

ORDINANCE _____

AN ORDINANCE relating to street-food vending, merchandise displays, and sidewalk cafés; amending Sections 11.14.450, 11.16.280, 11.23.420, 11.23.440, 11.31.121, 11.72.430, 15.02.042, 15.02.044, 15.02.046, 15.02.048, 15.04.074, 15.16.010, 15.16.012, 15.16.020, 15.16.040, 15.16.050, 15.16.060, 15.16.070, 15.16.080, 15.17.005, 15.17.050, 15.17.080, 15.17.100, 15.17.150, 15.17.200, 15.91.010, and 15.91.016 of the Seattle Municipal Code; adding Sections 11.14.157, 11.14.227, 11.14.228, 11.72.195, 15.16.075, 15.17.006, 15.17.007, 15.17.008, 15.17.009, 15.17.120, 15.17.130, 15.17.152, and 15.17.250; repealing Chapter 10.10, and Sections 10.03.110, 15.17.010, and 15.17.020; amending the current Seattle Department of Transportation Street Use fee schedule by adding new vending-related Street Use permit use codes and amending vending-related Street Use permit fees.

WHEREAS, food, beverage, and flower vending, merchandise displays, and sidewalk cafés improve public safety by providing eyes-on-the-street and create pedestrian activity on sidewalks where commercial activity is permitted and encouraged; and

WHEREAS, safe, active, and enjoyable streets and public spaces advance Seattle's character and quality of life; and

WHEREAS, well-managed street-food vending offers low-cost culturally-diverse food options, attracts foot traffic to commercial districts, and creates a more vibrant retail business climate; and

WHEREAS, access to fresh produce promotes community health; and

WHEREAS, street-food vending serves as a low-cost, entry-level business opportunity to help entrepreneurs develop a business track record and build a loyal clientele, and is a valuable economic point-of-entry for Seattle's immigrant and refugee communities; and

WHEREAS, the City Council, by Resolution 29615, transmitted the Title 10 Seattle Municipal Code provisions known as the Seattle Health Code matrix to the King County Board of Health for inclusion by Board of Health into their code, and these provisions are pending repeal by City Council action; and

WHEREAS, amendments to Chapter 15.16, sidewalk cafés, were made to create consistency where appropriate with the vending and merchandise display amendments to Chapter 15.17 and to edit references to the repealed Chapter 10.10, Seattle Health Code;

1 WHEREAS, Section 15.04.074 of the Seattle Municipal Code authorizes the Director of
2 Transportation to prepare and recommend to the City Council the Street Use Permit Fee
3 Schedule, which is to establish street and sidewalk permit fees commensurate with the
4 cost of administering, reviewing, inspecting, and policing the use granted by the Street
5 Use permit; and

6 WHEREAS, Seattle's procedures for authorizing street-food vending and merchandise displays
7 can increase opportunities for well-managed street-food vending with appropriate
8 oversight and enforcement; NOW, THEREFORE,

9 **BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:**

10 Section 1. A new Section 11.14.157 of the Seattle Municipal Code is added as follows:

11 **11.14.157 Curb space**

12 "Curb space" means that portion of the roadway area next to the curb.

13 Section 2. A new Section 11.14.227 of the Seattle Municipal Code is added as follows:

14 **11.14.227 Food vehicle**

15 "Food vehicle" means a licensed and operable motor vehicle used to serve, vend, or
16 provide food or nonalcoholic beverages for human consumption from a fixed location or along a
17 route in a public place as authorized by the Seattle-King County Department of Public Health
18 and Chapter 15.17.

19 Section 3. A new Section 11.14.228 of the Seattle Municipal Code is added as follows:

20 **11.14.228 Food vehicle zone**

21 "Food vehicle zone" means a portion of a public place designated by a sign or other
22 traffic control device that is reserved for the exclusive use of food vehicles that are permitted to
23 vend in the curb space portion of the public place.
24

Section 4. Section 11.14.450 of the Seattle Municipal Code, last amended by Ordinance 108200, is amended as follows:

11.14.450 Pedestrian zone((:))

"Pedestrian zone" means the area or space ~~((officially set apart within a))~~ of the public place or roadway ~~((for))~~ that is reserved for the exclusive use of pedestrians ~~((and which is protected or is marked or indicated by painted marks, signs, buttons, standards, or otherwise, so as to be plainly discernible))~~.

Section 5. Section 11.16.280 of the Seattle Municipal Code, last amended by Ordinance 122779, is amended as follows:

11.16.280 Traffic Engineer – Authority – Special zones((:))

* * *

G. Determine the location of and establish food vehicle zones;

~~((G))~~H. Determine the location of and establish other special zones for the purpose and in accordance with the criteria specified in this ~~((section))~~ Section 11.16.280;

~~((H))~~I. Make surveys and recommendations with respect to the Stadium Event Restricted Parking Zone, process applications for parking in the zone, issue decals or other authorizations for ~~((such))~~ parking, and delegate to the University of Washington or deputize its staff to receive applications and deliver ~~((such))~~ permits.

Section 6. Section 11.23.420 of the Seattle Municipal Code, last amended by Ordinance 123162, is amended as follows:

11.23.420 Curb space parking permits((:))

The Director of Transportation may authorize curb space parking permits for: charitable, educational, or community ~~((purposes))~~ events, including ~~((for example,))~~ medically-related programs, armed-forces-recruiting efforts, ~~((and))~~ or street fairs ~~((provided that no))~~; food vehicle vending as permitted by Section 15.17.120; or curb space parking as permitted by Title 11, Vehicles and Traffic. The Director shall not authorize curb space parking permits ~~((other than those specifically authorized by this Title shall be authorized for commercial purposes except in conjunction with community events. For purposes of this section, curb space constitutes roadway area next to the curb))~~ for commercial purposes in the roadway.

Section 7. Section 11.23.440 of the Seattle Municipal Code, last amended by Ordinance 123162, is amended as follows:

11.23.440 Parking privileges((:))

No person shall be granted a franchise or special privilege to the exclusion of any other ~~((like))~~ person for parking vehicles on any roadway. Zones may be granted for taxicabs, official career consul vehicles, moving or loading, disabled persons, curb space parking including no parking zones, service parking, carpool parking, car share parking, food vehicles, or similar uses, or for any restricted parking zone program that may be developed. Establishment of ~~((such))~~ a zone does not constitute a grant of franchise.

Section 8. Section 11.31.121 of the Seattle Municipal Code, last amended by Ordinance 123161, is amended as follows:

11.31.121 Monetary penalties – Parking infractions((=))

The base monetary penalty for violation of each of the numbered provisions of the Seattle Municipal Code listed in the following table ((shall be)) is as shown, unless and until the penalty shown below for a particular parking infraction is modified by Local Rule of the Seattle Municipal Court adopted pursuant to the Infraction Rules for Courts of Limited Jurisdiction ("IRLJ") or successor rules to the IRLJ:

Municipal Code Reference	Parking Infraction Short Description	Base Penalty Amount

-		
11.23.400	UNAUTHORIZED USE - DISABLED	\$250
	* * *	
11.72.220	HOODED METERS, SIGNS	\$42
11.72.225	FOOD VEHICLE ZONE	<u>\$42</u>

* * *

Section 9. A new Section 11.72.195 of the Seattle Municipal Code is added as follows:

11.72.195 Food vehicle zone

No vehicle, other than a food vehicle displaying a valid food vehicle Street Use permit, shall be stopped or parked in a food vehicle zone during the hours the zone restriction is in effect or unless allowed by a sign or other traffic control device identifying food vehicle zone time

restrictions. Vending from a permitted food vehicle may only occur in a designated food vehicle zone during authorized times.

Section 10. Section 11.72.430 of the Seattle Municipal Code, last amended by Ordinance 108200, is amended as follows:

11.72.430 Trailer or camper – Detached((,))

A. No person shall detach and park any trailer or camper on any street or alley: ~~((Provided,))~~ provided that in case of collision ~~((such))~~ the trailer or camper may be moved to a portion of the street or alley where parking a motor vehicle is lawful, and if a ~~((good and sufficient))~~ red signal ~~((be))~~ is displayed at both ends ~~((thereof))~~ of the camper or trailer during the hours of darkness, ~~((such))~~ the trailer or camper may be ~~((permitted or))~~ allowed to remain for a period not exceeding ~~((twenty four (24)))~~ 24 hours pending removal; ~~((:Provided, further,))~~ further provided that ~~((such))~~ the trailer or camper shall not remain upon any portion of a street or alley where standing or parking is limited or prohibited for a period longer than is necessary to effect its removal.

B. A permittee may detach and park a trailer used for vending purposes in a pedestrian mall or plaza; or detach in a legal parking space a trailer used for vending purposes and position the trailer at the approved sidewalk location; provided, all vending activity conforms to Chapter 15.17 and all necessary permits have been obtained.

Section 11. Section 15.02.042 of the Seattle Municipal Code, last amended by Ordinance 121276, is amended as follows:

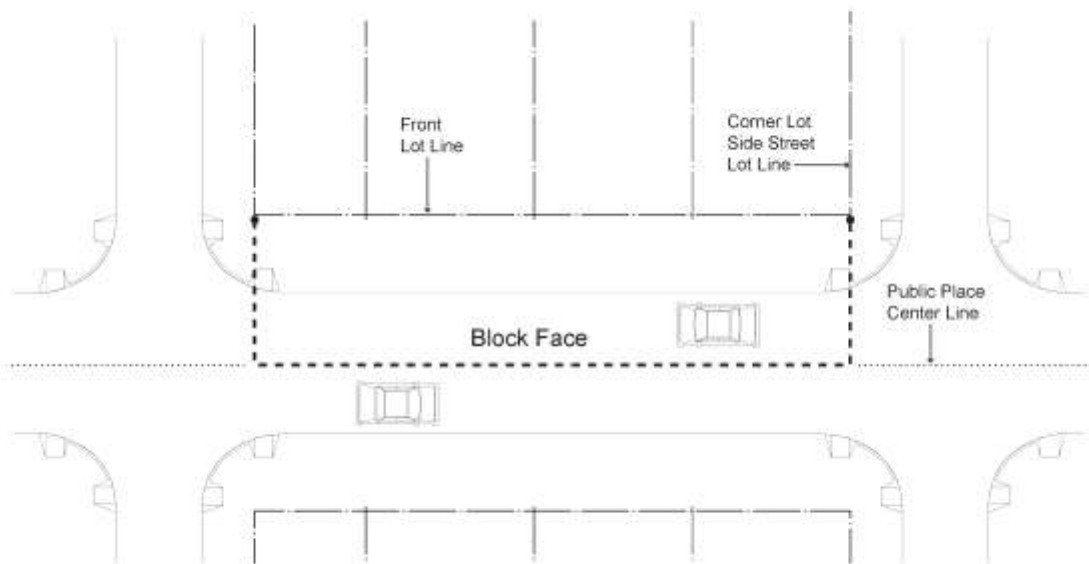
15.02.042 Definitions A ~~((though))~~ through C~~((:))~~

* * *

F. "Banner" means any fabric or sign material hanging over or ~~((stretched))~~ placed across any public place.

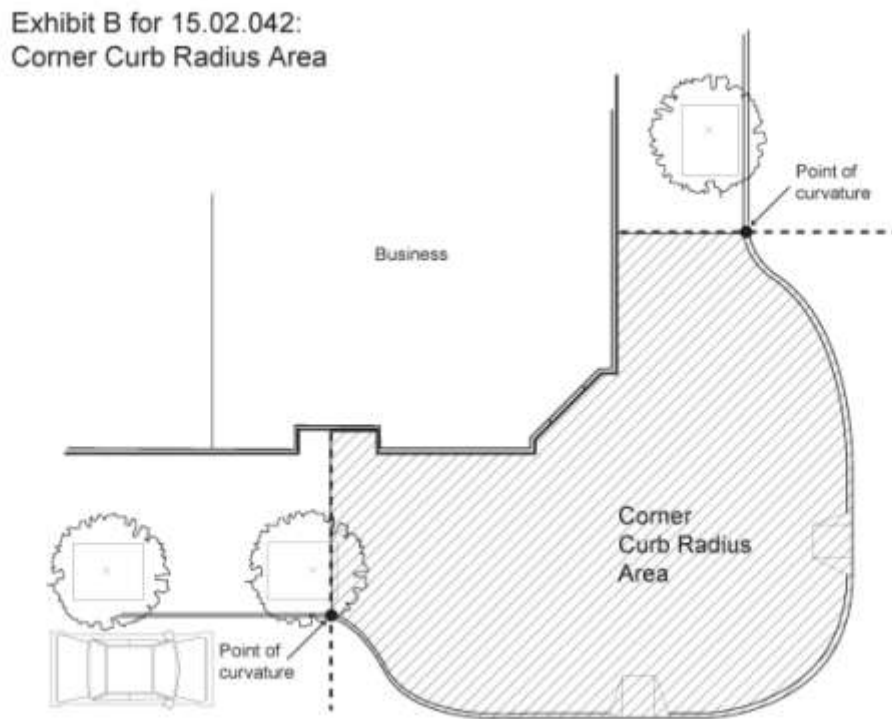
G. "Block face" means the area bounded by: the continuous front lot lines abutting a public place within a block; each corner lot side street lot line as extended to the centerline of the public place abutting the front lot lines; and the centerline of the abutting public place (Exhibit A for 15.02.042: Block Face).

Exhibit A for 15.02.042: Block Face



~~((G))~~H. "Canopy" means a protective covering located at an entrance to a building.

I. “Corner curb radius area” means the area that includes the intersection of two sidewalks bounded by the adjoining corner or curb bulb and curb ramps (Exhibit B for 15.02.042: Corner Curb Radius Area). If the start of the point of curvature for the curb bulb or curb radius occurs beyond the sidewalk intersections, the area shall be extended to the point of curvature for the curb bulb or curb radius.



Section 12. Section 15.02.044 of the Seattle Municipal Code, last amended by Ordinance 121276, is amended as follows:

15.02.044 Definitions D through M((τ))

* * *

D. “Food service business” means:

- 1 1. The following business or other entities that serve, vend, or provide food for
2 human consumption, including but not limited to:
- 3 a. Food establishments permitted by the Seattle-King County Department
4 of Public Health;
- 5 b. Restaurants, snack bars, cafeterias, taverns, bars;
6
7 c. Stores selling groceries, produce, meat/fish/poultry, baked or
8 delicatessen goods;
- 9 d. Food services in schools and private higher education learning
10 facilities; or
- 11 e. Institutions licensed by the Seattle-King County Department of Public
12 Health, such as hospitals, prisons, state-licensed higher education facilities, and child-care
13 facilities;
- 14
- 15 2. The following businesses or other entities are not food service businesses:
- 16 a. Private homes where food is prepared by or served to household
17 members, their tenants, or guests;
- 18 b. Wholesale food distributors or food processing plants;
19
20 c. Food vehicles or vending carts; or
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22 d. Establishments where the sales of nonpotentially hazardous food are
23 incidental to the business.

24 ((D))E. "Marquee" means an approximately horizontal, rigid, nonretractable,
25 noncollapsible structure, projecting from and supported by a building.

1 ((E))F. "Marquee sign" means a sign placed on, constructed in, or attached to a marquee.

2 G. "Mobile food vending" means to sell, offer for sale, solicit orders, display, or
3 otherwise peddle; food that is exempt from acquiring a food establishment permit under Title 5
4 of the King County Board of Health; to the public from a public place; as authorized or
5 prohibited in Sections 15.17.010, or 15.17.130.

6
7 Section 13. Section 15.02.046 of the Seattle Municipal Code, last amended by Ordinance
8 122824, is amended as follows:

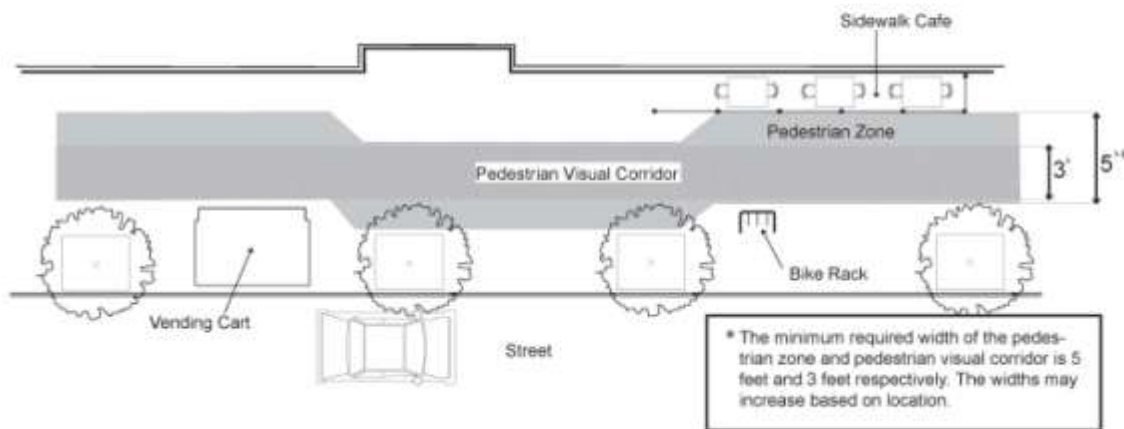
9 **15.02.046 Definitions N through ((S.))Z**

10 * * *

11 C. "Peak ((Period)) period" means the peak traffic periods as defined in the current
12 edition of the City of Seattle Traffic Control Manual for In-Street Work.

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14 D. "Pedestrian zone" means the area or space of the public place or roadway that is
15 reserved for the exclusive use of pedestrians (Exhibit A for 15.02.046: Pedestrian
16 Zone/Pedestrian Visual Corridor).

Exhibit A for 15.02.046
Pedestrian Zone / Pedestrian Visual Corridor



E. "Pedestrian visual corridor" means a continuous and straight corridor within the designated pedestrian zone that provides pedestrians with a clear visual indication of the location of the path of travel along a block face (Exhibit A for 15.02.046: Pedestrian Zone/Pedestrian Visual Corridor). Street furniture, plantings, and other obstructions shall not protrude into this corridor.

((D))F. "Public place" means and includes streets, avenues, ways, boulevards, drives, places, alleys, sidewalks, and planting (~~((parking))~~) strips, squares, triangles, plazas, and right-of-way for public use and the space above or beneath its surface, whether or not opened or improved.

1 ((E))G. "Publisher" means the owner or distributor of a newspaper or other publication
2 distributed through a newsstand.

3 ((F))H. "RCW" is an abbreviation for Revised Code of Washington.

4 ((G))I. "Shoreline street ends" means the land portions of ~~((those))~~ street segments that
5 provide or could provide if improved, the public with visual or physical access to a body of
6 water and its shoreline ~~((, or could provide such access if improved,))~~ that are listed on Exhibit A
7 to Resolution 29370 ~~((, a resolution adopting))~~ that adopted policies ~~((to guide))~~ guiding the
8 development of public access improvements to shoreline street ends.

9
10 ((H))J. "Sidewalk ~~((safe))~~ café" means a portion of the public ~~((right-of-way))~~ place in
11 which tables and chairs are placed for the use of patrons consuming food ~~((and/))~~ or beverages,
12 including alcoholic beverages~~((, served))~~ that is operated by a food~~((service establishment as~~
13 ~~defined in Section 10.10.040 of Title 10)))~~ service business located on ~~((adjacent))~~ abutting
14 property.

15
16 ((I))K. "Sign" means any medium, including its structure and component parts ~~((, which))~~
17 that is used or intended to be used out of doors to attract attention to the subject matter for
18 advertising, identification, or informative purposes.

19
20 ((J))L. "SMC" is an abbreviation for Seattle Municipal Code.

21 ((K))M. "Superintendent" or "Superintendent of Parks and Recreation" means the City
22 Superintendent of Parks and Recreation and his or her authorized representatives.
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N. "Vend or vending" means to sell, offer for sale, solicit orders, display, rent, lease, or otherwise peddle any good, ticket, thing, or service of any kind; to the public from a public place; as authorized or prohibited in Chapters 15.14 or 15.17.

O. "Vending cart" means a movable cart that is used to serve, vend, or provide food, nonalcoholic beverages, or flowers.

Section 14. Section 15.02.048 of the Seattle Municipal Code, last amended by Ordinance 117569, is amended as follows:

15.02.048 Definitions – Use((;))

A. "Use" means the exercise of dominion or control over, or occupation of; all or part of a public place((;)); or the right to do so. It includes constructing, storing, erecting, placing upon, ((;)) maintaining, or operating; any inanimate thing or object; in, upon, over, or under any public place. It includes, but is not limited to, any of the following ((in a public place)):

* * *

* Vending of ((any kind, whether a product of)) any good, ticket, thing, or service of any kind, other than ((newsstands)) publications regulated under Chapter 15.14;

* * *

Section 15. Section 15.04.074 of the Seattle Municipal Code, last amended by Ordinance 123100, is amended as follows:

15.04.074 Permit – Fees((=))

* * *

E. Fees for the use of public places under the jurisdiction of the Department of Parks and Recreation shall be deposited in the Park and Recreation Fund; all other fees under the jurisdiction of Seattle Transportation shall be deposited in the Transportation Operating Fund. If the Superintendent of Parks delegates the administration of this title to the Director of Transportation, fees resulting from permits for the use of the public place that were administered by the Director of Transportation shall be deposited into the Transportation Operating Fund.

F. Fees for vending activities authorized under Chapter 15.17 shall be deposited in the Transportation Operating Fund. Street Use permit fees for vending activities may be used by other City departments for vending enforcement as authorized by the Director of Transportation and shall be used by the Department of Transportation for the following purposes: administering the vending program, including notifying property owners abutting a proposed vending site designated by the Department of Transportation; verifying property boundaries and square footage of usage; designating pre-approved vending sites by the Department of Transportation; signing and demarcating designated vending sites and food vehicle zones; attending meetings or hearings; preparing documents, legislation, forms, and notices; inspecting and enforcing permitted or illegal vending activity; or engaging in any other vending-related activity as directed by the Director of Transportation.

Section 16. Section 15.16.010 of the Seattle Municipal Code, last amended by Ordinance 122824, is amended as follows:

1 **15.16.010 Permit (~~(--Required.)~~) required**

2 It is unlawful to operate a sidewalk (~~(cafe)~~) café without obtaining a (~~(street-use)~~) Street
3 Use permit (~~(to do so)~~) from the Director of Transportation(~~(;)~~) as provided for in (~~(this chapter)~~)
4 Chapter 15.16 and Section 15.04.010. A (~~(street-use)~~) Street Use permit to operate a sidewalk
5 (~~(cafe)~~) café shall not be transferred or assigned.

7 Section 17. Section 15.16.012 of the Seattle Municipal Code, last amended by Ordinance
8 122824, is amended as follows:

9 **15.16.012 Permit (~~(--Expiration,)~~) expiration, renewal, administration, and revocation(~~(;)~~)**

10 A. A (~~(street-use)~~) Street Use permit for a sidewalk (~~(cafe)~~) café expires (~~(when)~~) if: the
11 (~~(adjacent food service establishment)~~) business changes ownership(~~(,when)~~); the (~~(adjacent~~
12 ~~food service establishment's~~) Street Use permit duration expires(~~(;)~~); or (~~(if)~~) Street Use permit
13 fees are not paid (~~(according to the provisions of Section 15.04.074 B)~~) as required by
14 subsection 15.04.074.B. All permit-related encroachments shall be removed from the public
15 place when the Street Use permit expires. Street Use permits for a sidewalk café shall not be
16 transferrable or assignable.

17 B. The Director of Transportation may, upon issuing the annual Street Use permit invoice
18 and receipt of the renewal fee, renew a sidewalk café Street Use permit provided: the permittee
19 is in compliance with all permit conditions; the ownership or business has not changed; and the
20 space is not needed for transportation, utility, or any other public use purpose.

21 C. The Director of Transportation may modify the conditions of a sidewalk café Street
22 Use permit, including permitted hours or days of operation, after providing the permittee with
23

1 written notice ten days before modifying the Street Use permit. A copy of the modified Street
2 Use permit shall be mailed by first-class mail to the permittee at the address listed on the Street
3 Use permit application. The permittee may request a Director's review of the decision to modify
4 the conditions of the Street Use permit as provided for in Section 15.04.112.

5 ~~((A street use permit for a))~~ D. All sidewalk ~~((cafe is wholly of a))~~ café Street Use
6 permits authorized by Chapter 15.16 are of a temporary nature, ((vests)) vest no permanent rights
7 ((whatsoever)), and ((is)) are revocable ((pursuant to SMC)) as provided for in Section
8 15.04.070. The Director of Transportation may suspend ((or revoke the street use)) any sidewalk
9 café Street Use permit ((for a sidewalk cafe if an applicant violates this title, any implementing
10 rules, or the terms and conditions of the permit)) for transportation mobility or public safety
11 purposes; or to coordinate with: permitted Special Events authorized by Chapter 15.52, parade
12 permits authorized by Chapter 11.25, or any other permitted activity.

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15 Section 18. Section 15.16.020 of the Seattle Municipal Code, last amended by Ordinance
16 117569, is amended as follows:

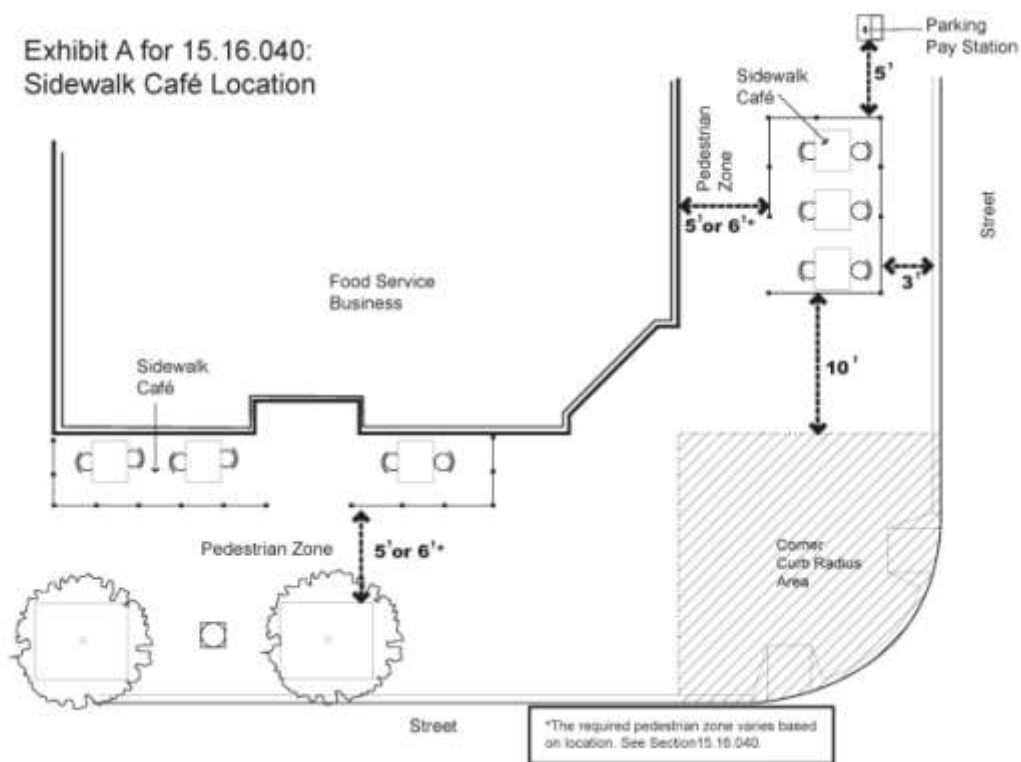
17 **15.16.020 Permit ~~((--Application--))~~ application**

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19 In addition to the information required by Section 15.04.025, ~~((an application for))~~ a
20 sidewalk ~~((cafe))~~ café Street Use permit application shall state the anticipated periods of use
21 during the year~~((, and))~~; the proposed hours of daily use~~((;))~~ including Saturdays, Sundays, and
22 holidays; and whether any liquor, as defined in RCW 66.04.010(6), will be sold or consumed in
23 the area to be covered by the sidewalk café Street Use permit.
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Section 19. Section 15.16.040 of the Seattle Municipal Code, last amended by Ordinance 122824, is amended as follows:

15.16.040 Terms and conditions((:))

A. The Director of Transportation may issue a ~~((street use))~~ Street Use permit ~~((for))~~ authorizing the use of ~~((a portion of the right-of-way))~~ a public place for a sidewalk ~~((cafe if the Director determines that))~~ café under the following requirements as depicted in Exhibit A for 15.16.040: Sidewalk Café Location:



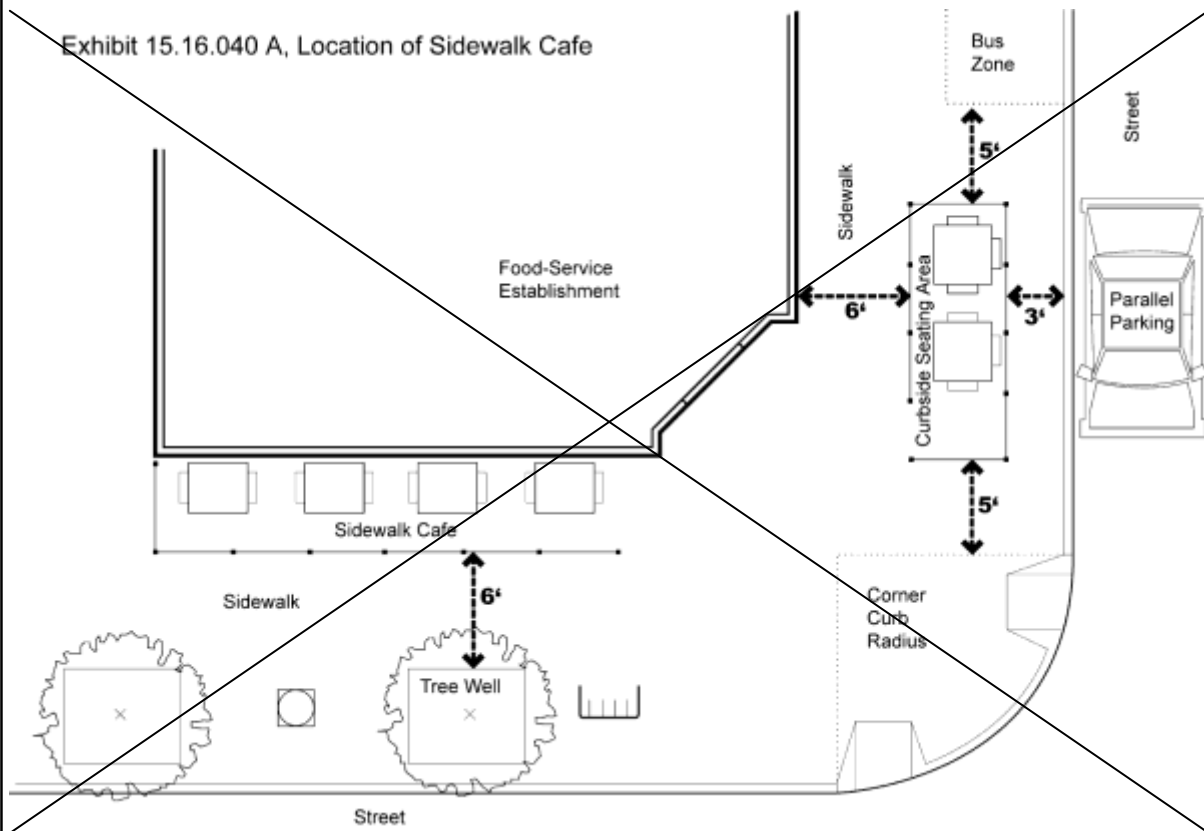
1. The applicant is the owner or occupant of the ~~((adjacent))~~ abutting property and operates a food ~~((service establishment thereon that is permitted under Title 10 or by the Seattle-King County Director of Public Health or the Director's representative))~~ service business;

2. ~~((The))~~As depicted in Exhibit A for 15.02.046: Pedestrian Zone/Pedestrian Visual Corridor; a proposed use for a sidewalk ~~((cafe would))~~ café and all associated elements including fencing, umbrellas, or signage, shall not ~~((unduly and unreasonably))~~ impair pedestrian passage ~~((in or on the right of way))~~ and ~~((allow))~~ shall be sited to provide:

a. An unobstructed corner curb radius area; and

b. ~~((if located in the Downtown Urban Center as established in the Comprehensive Plan,))~~ A pedestrian zone at least ~~((six (6) feet of clear path of travel for pedestrian passage if the permit application is submitted after the effective date of the ordinance codified in this section (see Exhibit A 15.16.040 Location of Sidewalk Cafe) and at least five (5) feet of clear path of travel for pedestrian passage for sidewalk cafes established before that date))~~ 6 feet wide with a 4-foot-wide pedestrian visual corridor if the sidewalk café is located in the Downtown Urban Center as established in the Comprehensive Plan; or

~~((b. if))~~c. If located outside of the Downtown Urban Center as established in the Comprehensive Plan, a pedestrian zone at least ~~((five (5) feet of clear path of travel for pedestrian passage (see Exhibit A 15.16.040 Location of Sidewalk Cafe)))~~ 5 feet wide with a 3-foot-wide pedestrian visual corridor; or



~~((c.-a))d. A wider ((clear path of travel for pedestrian passage than is)) pedestrian zone or pedestrian visual corridor may be required ((in subsections 2a and 2b when required)) by the Director of Transportation to ((facilitate the use of the sidewalk by pedestrians)) provide for pedestrian passage, traffic management, or any other public use purpose.~~

3. ~~((The))~~In addition to any other required setback, the proposed sidewalk ((cafe would)) café shall be located at least:

1 a. ~~((at least five (5)))~~ 5 feet from alleys, driveways, bus ((zones)) zone
2 areas, disabled person parking zones ((for handicapped persons)), and commercial loading zones
3 ~~((see Exhibit A 15.16.040 Location of Sidewalk Cafe))~~; and

4 b. ~~((at least five (5)))~~ 5 feet from curb ramps, ((or from the beginning of
5 the corner curb radius where curb ramps do not exist,)) parking meters or pay stations, traffic
6 signs, utility poles, fire hydrants, bike racks, and other street fixtures ((see Exhibit A 15.16.040
7 Location of Sidewalk Cafe)); and

9 c. 10 feet along the curb line from the point where the radius of corner
10 curb area intersects the curb line; and

11 ~~((at least three (3)))~~ d. 3 feet from the curb ((in order to provide access to
12 on-street parking when pedestrian passage is located between the sidewalk cafe and the food-
13 service establishment (see Exhibit A 15.16.040 Location of Sidewalk Cafe)); and

15 ~~((d. at least fifty (50)))~~ e. 50 feet from a lot zoned RSL, SF, L1, L2, or L3
16 ~~((or L4,))~~ as these zoning designations are defined under subsection 23.30.010.A; and ((that)) the
17 abutting zoning does not have an RC designation((;)) as shown on the Official Land Use Map((;
18 as these zoning designations are defined under Section 23.30.010 A of Title 23)), Chapter 23.32;
19 ~~((and))~~ or

21 ~~((e. at a))~~ f. A larger setback distance ((farther than that required in 3a, 3b,
22 or 3c, based upon)) may be required by the Director of ((Transportation's determination that such
23 additional distance is needed to facilitate the use of the sidewalk by pedestrians)) Transportation
24 to provide for pedestrian passage, traffic management, or any other public use purpose;

1 4. The width of the sidewalk café shall not exceed the available pedestrian zone
2 width, provided the Director, may allow the sidewalk café to increase in width if the Director
3 determines that the pedestrian zone can extend into an adjacent public place closed to vehicular
4 travel or a public place plaza;

5 ~~((4))~~5. The applicant ~~((has obtained))~~ shall obtain a ~~((certificate))~~ Certificate of
6 ~~((approval))~~ Approval for the sidewalk ~~((cafe))~~ café from the appropriate Board or Commission
7 when located in a Landmark District or Historic District subject to the provisions of Title 23 or
8 25;

9 ~~((5))~~6. The proposed sidewalk ~~((cafe is consistent with any applicable standards~~
10 ~~established by the federal))~~ café activity shall not violate the Americans with Disabilities Act;
11 ~~((and~~

12 ~~6. The applicant has posted a notice of the application for the street use permit for~~
13 ~~the sidewalk cafe. The notice shall be clearly visible from the adjacent sidewalk and shall state~~
14 ~~that comments on the application may be sent to the Director of Transportation and will be~~
15 ~~considered in reviewing the application.))~~

16 7. Amplified sound shall not be used in the sidewalk café and the permittee shall
17 comply with Chapter 25.08, Noise Control; and

18 8. The permittee shall not locate electrical lines overhead or on the ground surface
19 where the public has access to the public place.

20 B. The Director of Transportation may require additional information from ~~((an))~~ the
21 applicant ~~((in accordance with))~~ as provided for in Section 15.04.030.

1 C. The Director may, ((and may include in the street use)) as deemed appropriate,
2 condition the sidewalk café Street Use permit ((such terms and conditions as he or she deems
3 appropriate including, but not limited)) to address the:

- 4 1. Design standards;
- 5 2. ~~((Restrictions as to the hours))~~ Hours of operation and dates of use;
- 6 ~~((3. A requirement that the sidewalk cafe be removed when the street use permit~~
7 ~~for a sidewalk cafe expires, or upon the order of the Director of Transportation or other~~
8 ~~appropriate City officer such as the Chief of Police or Fire Chief or their authorized~~
9 ~~representatives;~~
- 10 4. Provisions that the permittees shall maintain the right of way in a clean and
11 ~~safe condition for pedestrian travel;~~
- 12 5. A requirement that the applicant clear the right of way as may be necessary to
13 ~~accommodate reasonable access to adjacent or other nearby properties and utilities;~~
- 14 6. A requirement that designs for platforms or other structures in the right of way,
15 ~~for which a separate permit from the Director of Transportation has been obtained, be certified~~
16 ~~by a registered professional civil engineer or architect;~~
- 17 7. A requirement that platforms or other structures in the right of way, for which
18 ~~a separate permit from the Director of Transportation has been obtained, be maintained in an as-~~
19 ~~built condition;~~
- 20 8. ~~Regulations upon~~) 3. Impacts associated with the sidewalk café activity from:
21 lighting ((and illumination of the sidewalk cafe; limitations upon)), noise ((; and restrictions
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1 ~~upon~~), or the placement of signage, furniture, or equipment (~~((used in connection with the~~
2 ~~sidewalk cafe))~~);

3 ~~((9. The posting of))~~ 4. Posting a surety bond in accordance with the provisions of
4 Section 15.04.044 or ~~((establishment of))~~ establishing an escrow account in accordance with the
5 provisions of Section 15.04.042;

6 ~~((10. If the sidewalk cafe causes a change in pedestrian travel patterns,~~
7 ~~appropriate))~~ 5. Need for repairs or improvements to the ~~((right of way in the immediate~~
8 ~~vicinity))~~ public place in order to accommodate the ~~((change or to assure compliance))~~ sidewalk
9 café or to ensure access to the use complies with the ~~((federal))~~ Americans with Disabilities Act;
10
11 or

12 ~~((11. Restoration of the right of way upon completion of the use))~~ 6. Pedestrian
13 circulation, traffic management, or any other public use purpose.

14
15 C. The Director of Transportation ~~((shall))~~ may promulgate rules to implement ~~((this~~
16 ~~chapter))~~ Chapter 15.16. The rules may address the subjects identified in ~~((this section))~~ Section
17 15.16.040 and other subjects the Director believes may aid in the implementation of ~~((this~~
18 ~~chapter))~~ Chapter 15.16.

19
20 D. Unless expressly authorized by the Director of Transportation pursuant to the ~~((street~~
21 ~~use))~~ Street Use permit for a sidewalk ~~((cafe))~~ café, no ~~((right of way))~~ public place surface shall
22 be broken or disturbed, and no permanent fixture of any kind shall be installed in or on the
23 ~~((right of way))~~ public place in connection with a sidewalk ~~((cafe))~~ café.

1. A separate Street Use permit shall be applied for prior to placing any additional item beyond the sidewalk café fencing and may be approved by the Director of Transportation, provided the following requirements are met:

a. Platforms or other site-leveling structures may only be approved if a portion of the proposed site area exceeds an 8-percent grade;

b. Plans for a platform or other structure shall be certified by a registered professional engineer; and

c. Platforms or other structures in the public place shall be continuously maintained by the permittee in an as-built condition.

~~((E. Amplified sound is prohibited within the sidewalk cafe.))~~

Section 20. Section 15.16.050 of the Seattle Municipal Code, last amended by Ordinance 122824, is amended as follows:

15.16.050 Liquor~~((;))~~

Liquor, as defined in RCW 66.04.01024, as now existing or ~~((hereinafter))~~ as amended, may only be used ~~((and))~~ or sold at a sidewalk ~~((cafe when))~~ café if authorized by: the ~~((street use))~~ Street Use permit; the ~~((food service establishment))~~ permit issued ~~((pursuant to Seattle Municipal Code Chapter 10.10, or))~~ by the Director of the Seattle-King County ~~((Director))~~ Department of Public Health ~~((or his or her representative))~~; and ~~((by))~~ the permit issued by the Washington State Liquor Control Board~~((; and not otherwise))~~.

Section 21. Section 15.16.060 of the Seattle Municipal Code, last amended by Ordinance 122824, is amended as follows:

15.16.060 Insurance((;))

An applicant for a sidewalk café Street Use permit ~~((for a sidewalk cafe))~~ shall, ~~((prior to))~~ before issuance of ~~((such a))~~ the Street Use permit, ~~((provide))~~ obtain and maintain in full force and effect ~~((while the permit is in effect, public))~~ at its own expense, commercial general liability (CGL) insurance ((in an amount specified by the Director of Transportation sufficient to cover potential claims for bodily injury, death, or disability and for property damage, which may arise from or be related to the use of right of way area for sidewalk cafe purposes, naming the City an additional insured.)) that names the City of Seattle as an additional insured for primary limits of liability for the purpose of protecting the City from all claims and risks of loss as a result of the permittee's activity, occupation, operation, maintenance, or use of a public place in conjunction with the permitted activity. The CGL insurance shall be in an amount specified by the Director of Transportation and shall include: premises operations, products and completed operations, broad form property damage liability, and personal injury. Failure to maintain the required CGL insurance coverage is grounds for sidewalk café Street Use permit revocation.

Section 22. Section 15.16.070 of the Seattle Municipal Code, last amended by Ordinance 122824, is amended as follows:

15.16.070 Indemnity((;))

The ~~((applicant or))~~ permittee shall agree to defend, indemnify, and hold harmless the City of Seattle, its officials, officers, employees, and agents against:

~~((4))~~A. Any liability, claims, causes of action, judgments, or expenses, including reasonable attorney fees, resulting directly or indirectly from any act or omission of the

1 ((~~applicant or~~)) permittee, its subcontractors, anyone directly or indirectly employed by them,
2 and anyone for whose acts or omissions they may be liable, arising out of the
3 ((~~applicant/permittee's~~)) permittee's use or occupancy of the public ((~~right-of-way~~)) place; and
4 ((2))B. All loss by the failure of the ((~~applicant or~~)) permittee to fully or adequately
5 perform, in any respect, all authorizations of obligations under the sidewalk ((~~cafe~~)) café Street
6 Use permit.
7

8 Section 23. A new Section 15.16.075 of the Seattle Municipal Code is added as follows:

9 **15.16.075 Public notice of application**

10 A. A sidewalk café Street Use permit applicant shall post notice of a new application for
11 a sidewalk café at the proposed site. The notice shall be clearly visible from the abutting
12 sidewalk.
13

14 B. The notice of application shall be on a form approved by the Department of
15 Transportation and shall state that written comments must be postmarked or emailed to the
16 Director of Transportation no later than ten calendar days after the first day of the posted public
17 notice.
18

19 C. A sidewalk café Street Use permit for which notice is required shall not be issued by
20 the Director of Transportation until after the notice of application comment period has ended.

21 Section 24. Section 15.16.080 of the Seattle Municipal Code, last amended by Ordinance
22 122824, is amended as follows:

23 **15.16.080 ((~~Sidewalk condition.~~)) Maintaining public place conditions**
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1 ~~((The applicant shall comply with the terms and conditions of the sidewalk cafe permit~~
2 ~~issued, and shall maintain the right of way in a clean and safe condition for pedestrian travel,~~
3 ~~and shall immediately clear the sidewalk area when ordered to do so by the Director of~~
4 ~~Transportation or other appropriate City officer such as the Chief of Police or Fire Chief or their~~
5 ~~authorized representatives.))~~

7 A. The permittee shall maintain the sidewalk café and adjoining and abutting public place
8 free of all refuse of any kind generated from the operation of the sidewalk café and their
9 business.

11 B. Only materials and supplies used by the permittee for the daily operation of the
12 sidewalk café may be located within the sidewalk café and the permittee shall not store other
13 supplies or other materials in the sidewalk café or public place.

14 C. The surface of the public place shall not be altered and fixtures of any kind shall not
15 be installed in the public place unless authorized by a Street Use permit.

17 D. A sidewalk café shall not be secured to any public amenity unless authorized by a
18 Street Use permit.

19 E. The permittee shall temporarily remove the sidewalk café and clear the public place as
20 the Director of Transportation deems necessary to temporarily accommodate access to abutting
21 properties or utilities.

23 F. The permittee is responsible for ensuring that the sidewalk café activity does not
24 encroach into the roadway or cause pedestrians to divert from the pedestrian zone.

1 G. The permittee shall not operate the sidewalk café in a way that restricts or interferes
2 with access to the abutting property; or creates a nuisance or hazard to public health, safety, or
3 welfare; or increases traffic congestion or delay; or constitutes an obstruction for fire, police, or
4 sanitation vehicles.

5 H. The permittee shall immediately remove the sidewalk café when ordered by the
6 Director of Transportation, the Chief of Police, the Fire Chief, or other City official.
7

8 Section 25. Section 15.17.005 of the Seattle Municipal Code, last amended by Ordinance
9 121242, is amended as follows:

10 **15.17.005 ((~~Vending and display~~)) Authorized vending in public places((;))**

11 It is unlawful to ((~~display for sale~~)) vend to the public ((~~or sell goods, wares, merchandise~~
12 ~~or services~~)) in a public place((;)) unless authorized below:

13
14 A. ((~~The activity exercises a civil liberty or constitutional right illustrated by Section~~
15 ~~15.17.200;~~

16 B. ~~The activity implements a right or privilege granted by state law; a license authorized~~
17 ~~by ordinance(e.g., Chapter 6.310, Taxicabs and For hire Vehicles; Chapter 15.14, Newsstands);~~
18 ~~or a franchise granted by the City;~~

19 C.)) The permittee's activity occurs in an area ((~~under permit that contemplates such~~))
20 that is permitted for that type of an activity, ((e.g., a permit for a)) for example: Chapter 11.25,
21 parade permits ((issued by the Police Department (Chapter 11.25))); Chapters 15.08 and 15.16,
22 ((an)) areaway or sidewalk ((cafe (Chapters 15.08 and 15.16); street areas within the Pike Place
23 Market Historical District (Chapter 25.24) that are being administered by the Pike Place Market
24
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~~Preservation and Development Authority))~~ café Street Use permits; ((a)) Chapter 15.35, filming
~~((permit (Chapter 15.35))) permits; ((or a permit for an event issued by the Special Events~~
~~Committee (Chapter 15.52))) Chapter 15.52, Special Event permits; or Chapter 6.310, Taxicabs~~
and For-hire Vehicles; or

~~((D. The seller is a "mobile food service unit" making sales of food or refreshments on a~~
~~regular basis within a district or on a route in compliance with the Food Code (Chapter 10.11)~~
~~and rules of the Public Health Department and with Sections 15.17.010—15.17.020; or~~

~~E.))~~ B. The ((seller)) permittee has ((received)) obtained a Street Use permit ((therefor
issued pursuant to Sections 15.17.080 or 15.17.100)) authorized by Sections 15.17.080,
15.17.100, 15.17.120, 15.17.130, 15.17.150, or 15.17. 200; or

C. The vendor is vending newspapers, magazines, event programs, and other similar
publications on foot, as authorized by Chapter 15.14.

Section 26. A new Section 15.17.006 of the Seattle Municipal Code is added as follows:

15.17.006 Permit expiration, renewal, administration, and revocation

A. A Street Use permit for vending or merchandise display expires if: the business, food
vehicle, or vending cart changes ownership; the Street Use permit duration expires; or Street Use
permit fees are not paid as required by subsection 15.04.074.B. All carts, objects, or other Street
Use permit-related encroachments shall be removed from the public place when the Street Use
permit expires. A Street Use permit to vend or display merchandise shall not be transferrable or
assignable.

1 B. The Director of Transportation may, upon issuing the annual Street Use permit invoice
2 and receipt of the renewal fee, renew a merchandise display or attended newsstand vending
3 Street Use permit provided: the permittee is in compliance with all Street Use permit conditions;
4 the ownership and business has not changed; and the space is not needed for transportation,
5 utility, or any other public use purpose.
6

7 C. Vending cart, food vehicle, or stadium and exhibition center event vending Street Use
8 permits shall have a duration of no longer than one-year from the date the permit is issued;
9 provided, a shorter duration may be established by the Director of Transportation.
10

11 D. To reissue a vending cart, food vehicle, or stadium and exhibition center event
12 vending Street Use permit for an existing permitted site, the permittee shall submit a new
13 complete application at least 30-calendar days before the current Street Use permit expires, if the
14 permit is longer than 30-days in duration. The vending Street Use permit may be reissued if a
15 timely and complete application is received from an existing permittee.
16

17 1. If multiple complete applications are received for the same vending site before
18 the current Street Use permit expires, and if the existing permittee has had two or more Street
19 Use citations upheld by the Hearing Examiner within one year prior to the expiration of the
20 Street Use permit, the Department of Transportation may schedule and hold a lottery to
21 determine the new permittee.
22

23 2. Only complete applications for the site that are submitted before the current
24 application expires shall be included in the lottery.
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1 3. If a Street Use permit has not been previously issued for a site, only complete
2 applications submitted prior to a public notice period may be included in a lottery to determine
3 the vending site permittee.

4 E. If the abutting property or business owner applies for a merchandise display Street Use
5 permit at least 30-calendar days before the current vending Street Use permit for the vending site
6 expires, the merchandise display application will be given priority use of the site and a lottery
7 will not be conducted. If a vending Street Use permit has not been previously issued for the site,
8 only merchandise display Street Use permit applications submitted prior to the public notice for
9 a complete vending Street Use permit application being submitted shall be given priority use of
10 the site.
11

12 F. The Director of Transportation may modify the conditions of a vending or
13 merchandise display Street Use permit, including permitted hours or days of operation, after
14 providing the permittee with written notice ten days before modifying the Street Use permit. A
15 copy of the modified Street Use permit shall be mailed by first-class mail to the permittee at the
16 address listed on the Street Use permit. The permittee may request a Director's review of the
17 decision to modify the conditions of the Street Use permit as provided for in Section 15.04.112.
18

19 G. All vending or merchandise display Street Use permits authorized by Chapter 15.17
20 are of a temporary nature, vest no permanent rights, and are revocable as provided for in Section
21 15.04.070. The Director of Transportation may suspend any vending or merchandise display
22 Street Use permit to promote transportation mobility or public safety; or to coordinate with
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permitted Special Events authorized by Chapter 15.52, parade permits authorized by Chapter 11.25, or any other permitted activity.

Section 27. A new Section 15.17.007 of the Seattle Municipal Code is added as follows:

15.17.007 Insurance

A. An applicant for a vending or merchandise display Street Use permit shall, before issuance of the Street Use permit, obtain and maintain in full force and effect, at its own expense, commercial general liability (CGL) insurance that names the City of Seattle as an additional insured for primary limits of liability for the purpose of protecting the City from all claims and risks of loss as a result of the permittee's activity, occupation, operation, maintenance, or use of a public place in conjunction with the permitted activity. The CGL insurance shall be in an amount specified by the Director of Transportation and shall include: premises operations; products and completed operations; broad form property damage liability; and personal injury. Failure to maintain the required CGL insurance coverage is grounds for vending or merchandise display Street Use permit revocation.

B. A property owner or public entity applicant for a temporary curb space food vehicle vending Street Use permit, as authorized in subsection 15.17.120.D, shall submit a copy of the vendor's CGL insurance as required in subsection 15.17.007.A.

Section 28. A new Section 15.17.008 of the Seattle Municipal Code is added as follows:

15.17.008 Indemnity

The permittee shall agree to defend, indemnify, and hold harmless the City of Seattle, its officials, officers, employees, and agents against:

A. Any liability, claims, causes of action, judgments, or expenses, including reasonable attorney fees, resulting directly or indirectly from any act or omission of the permittee, its subcontractors, anyone directly or indirectly employed by them, and anyone for whose acts or omissions they may be liable, arising out of the permittee's use or occupancy of the public place; and

B. All loss by the failure of the permittee to fully or adequately perform, in any respect, all authorizations of obligations under the vending or merchandise display Street Use permit.

Section 29. A new Section 15.17.009 of the Seattle Municipal Code is added as follows:

15.17.009 Public notice of application

A. The vending Street Use permit applicant shall send notice of an application for a new vending site by first-class mail to: all business entities, public entities, and residences located at street-level within a 100-foot radius of the proposed vending site; and to the property manager, home owners association, or apartment manager of all residential units located above the 100-foot street-level radius of the proposed vending site. The applicant shall send all required notices three calendar days prior to the start of the public notice period.

B. Notice of application is not required if: a permittee with an existing vending Street Use permit applies to renew the same type of vending Street Use permit for the same vending

1 site; or the food vehicle zone, stadium and exhibition center event site, or other vending site has
2 already been designated or permitted by the Director of Transportation.

3 C. The notice of application shall be on a form approved by the Department of
4 Transportation.

5 D. Written comments concerning the application shall be postmarked or emailed to the
6 Director of Transportation no later than ten calendar days after the first day of the public notice
7 period.
8

9 E. The applicant shall provide the notice of application required by subsection
10 15.17.009.A once the Director of Transportation has accepted an application as complete. The
11 applicant shall provide the Director of Transportation with a mailing list containing: the
12 individuals the notice was mailed to, the recipient's mailing address, and date the notice was
13 mailed to each recipient.
14

15 F. The Director of Transportation shall provide a notice to the public prior to designating
16 a food vehicle zone, stadium exhibition center event site, or other City-designated vending site.
17

18 G. A vending Street Use permit for which notice is required shall not be issued until a
19 complete mailing list has been received by the Director of Transportation and the notice of
20 application comment period has ended.

21 Section 30. Section 15.17.010 of the Seattle Municipal Code, last amended by Ordinance
22 121813 and that currently reads as follows, is repealed:
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~~((15.17.010 Areas where mobile vending is restricted.~~

~~Except for the vending on foot of newspapers, magazines, event programs and other such publications, it is unlawful for any person unless authorized by Section 15.17.020 to sell, offer for sale, solicit orders, rent, lease, or otherwise peddle from a public place while walking, moving from place to place, using a mobile cart, using a vehicle, or by any other mobile method, within the following boundaries~~

~~A. Beginning at the waterfront on Elliott Bay in a direct line with West Prospect Street, then east to West Olympic Place; then east along West Olympic Place to First Avenue West; then north along First Avenue West to West Aloha Street; then east along West Aloha and Aloha Streets to Westlake Avenue North; then south along Westlake Avenue North and Westlake Avenue to Eighth Avenue; then south along Eighth Avenue to South Jackson Street; then west along South Jackson Street to Fifth Avenue South; then south along Fifth Avenue South to Airport Way South; then southeast along Airport Way South to Sixth Avenue South; then south along Sixth Avenue South to South Holgate Street; then west along South Holgate Street to Elliott Bay on the waterfront; then north along the waterfront to a point in direct line with West Prospect Street, the place of beginning.~~

~~B. Within two hundred (200) feet of any public park, as defined in the Park Code, Ordinance 106615 as amended (Seattle Municipal Code Chapter 18.12), or within one thousand(1,000) feet of any public school.~~

~~C. Beginning at the junction of 15th Avenue N.E. and N.E. 40th Street; then west on N.E. 40th Street to Brooklyn Avenue ; then north on Brooklyn Avenue to N.E. 50th ; then east on~~

1 ~~N.E. 50th Street to 15th Avenue N.E.; then south on 15th Avenue N.E. to N.E. 40th Street, the~~
2 ~~place of beginning, including both sides of the streets and avenues mentioned.))~~

3 Section 31. Section 15.17.020 of the Seattle Municipal Code, last amended by Ordinance
4 120822 and that currently reads as follows, is repealed:

5 ~~((15.17.020 Mobile vending in restricted area.~~
6

7 ~~Selling is permitted in public places in the areas described in Section 15.17.010 by~~
8 ~~persons on foot along the route of any parade for which a permit has been issued by the Police~~
9 ~~Department while the parade is in progress and for one (1) hour prior to its commencement.~~

10 ~~Selling by persons on foot is also permitted in public places in such areas when~~
11 ~~authorized by a permit for a crowd control event issued pursuant to Chapter 15.52 and the selling~~
12 ~~is in accordance with the terms of the permit.~~

13 ~~A "mobile food service unit" licensed by the Public Health Department may sell food and~~
14 ~~beverages from a vehicle in public places in such areas to personnel at business and industrial~~
15 ~~establishments and at construction sites on a pre-arranged route or a prearranged schedule. The~~
16 ~~driver and vehicle are subject to the Traffic Code, Title 11.~~

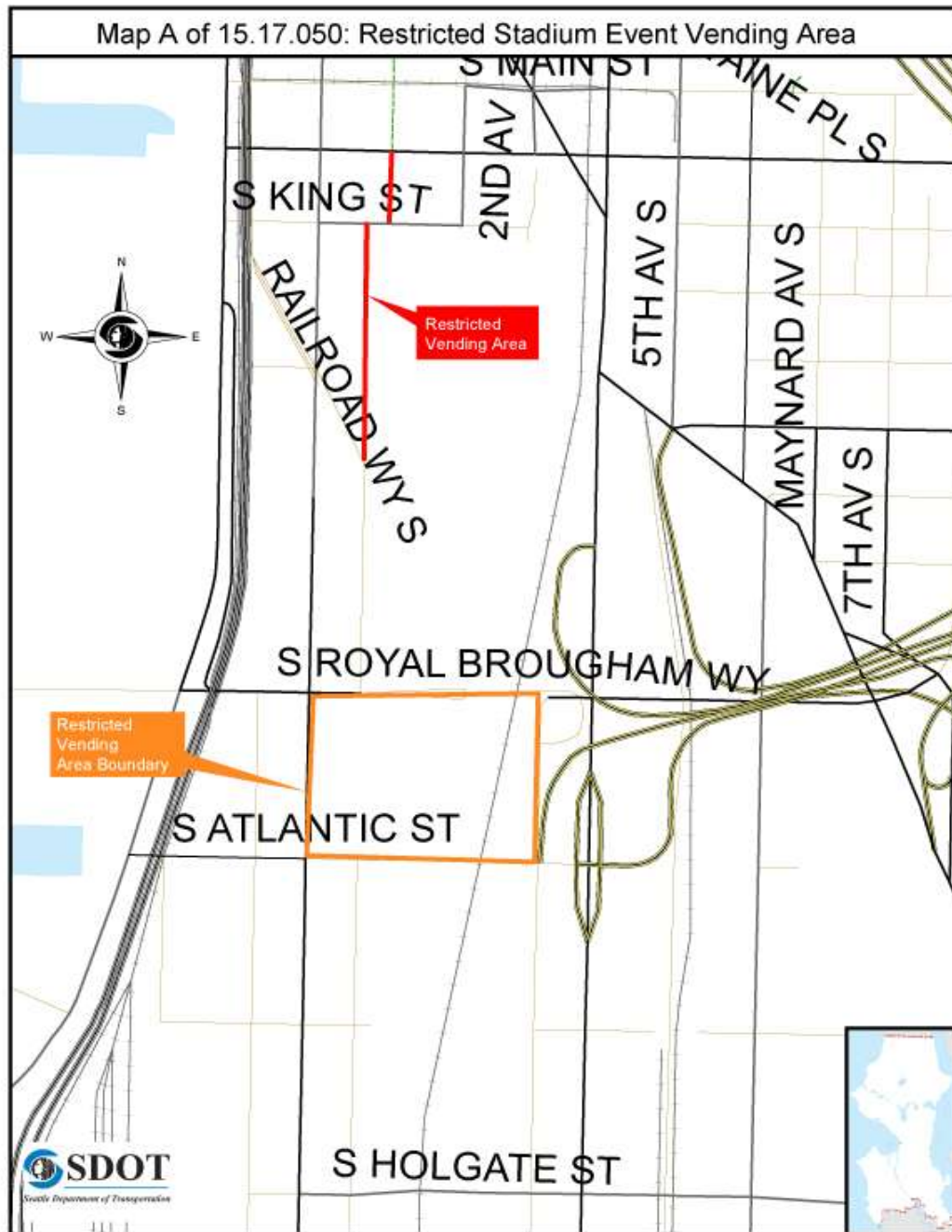
17 ~~Nothing in this section authorizes selling as prohibited by Section 15.17.050.))~~
18

19 Section 32. Section 15.17.050 of the Seattle Municipal Code, last amended by Ordinance
20 121242, is amended as follows:

21 **15.17.050 ((No)) Stadium and exhibition center event restricted vending ((zone.))area**
22

23 ~~((Except for the vending on foot of newspapers, magazines, event programs and other~~
24 ~~such publications as authorized by the Director, it))~~
25

1 A. It is unlawful to ((sell, offer to sell, solicit orders, rent, lease, or otherwise peddle any
2 goods or services)) vend to the public in a public place within the area bounded by the centerline
3 of South Royal Brougham Way, the center line of First Avenue South, the center line of ((South
4 Atlantic Street)) Edgar Martinez Drive South, and the center line of Third Avenue South ((for
5 the day (a twenty-four 24-hour period from midnight to midnight) of any event scheduled at
6 Safeco Field)) and on Occidental Avenue South between Railroad Way South and South Jackson
7 Street (see Map A of 15.17.050: Restricted Stadium Event Vending Area) for the event day, a
8 24-hour period starting the midnight before any event scheduled at the stadiums or exhibition
9 event center begins and ending the midnight after the event ends; provided that newspapers,
10 magazines, event programs, and other similar publications may be vended on foot as authorized
11 by rules adopted by the Director of Transportation.
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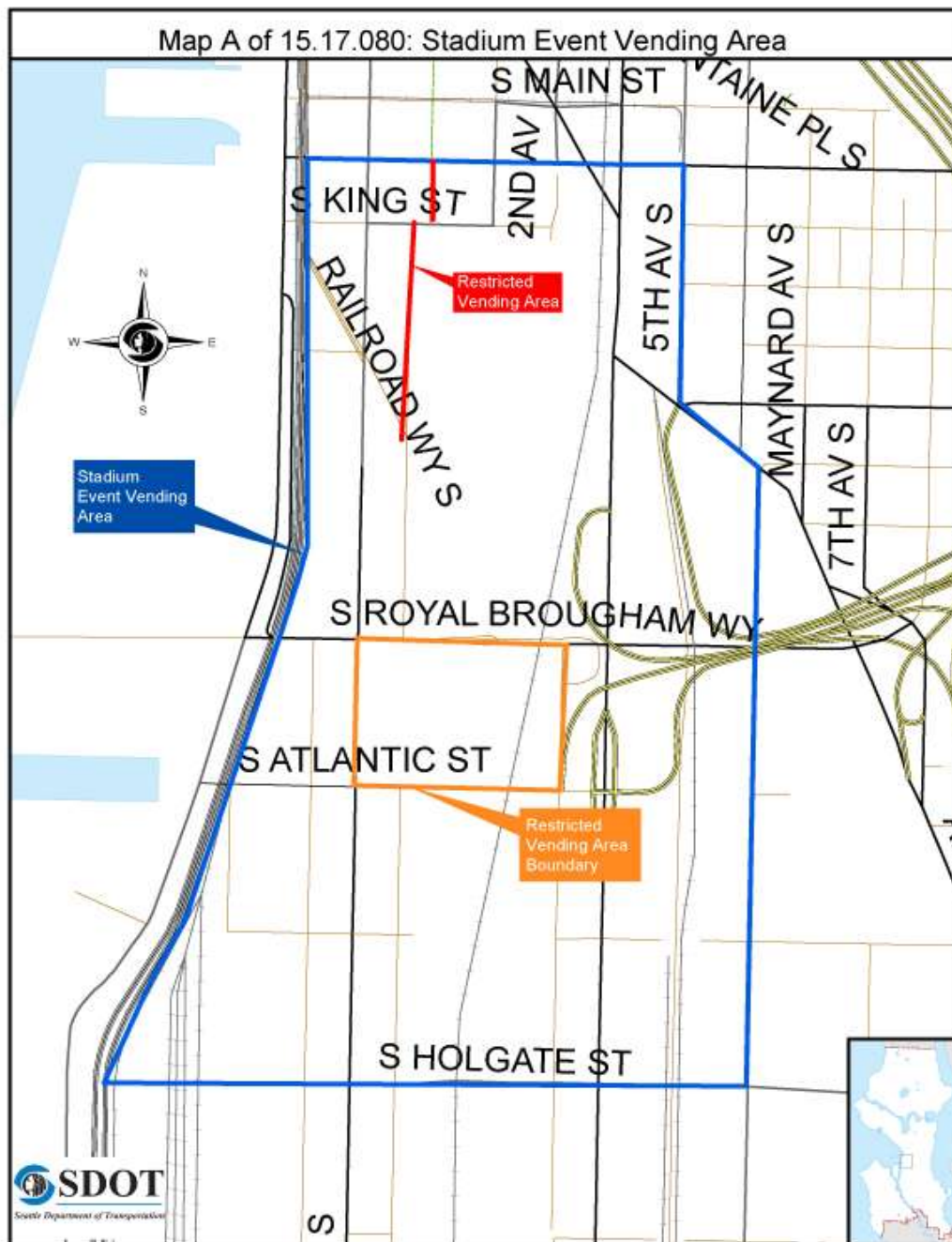


1 B. The Director of Transportation ~~((is authorized to))~~ may adopt rules relating to the
2 vending ~~((on-foot))~~ of newspapers, magazines, event programs, and other ~~((such))~~ similar
3 publications on foot in the ~~((No))~~ Restricted Stadium Event Vending ((Zone. Such)) Area. These
4 rules may, among other subjects, address ~~((the))~~ issuance and duration of Street Use permits,
5 ~~((the))~~ number and ~~((placement))~~ location of the ~~((on-foot))~~ on-foot vendors, advertising and
6 posting of prices, ~~((the))~~ display of licenses, documentation to accompany applications for
7 registration, and prohibitions against discrimination~~((, among other subjects))~~.

9 Section 33. Section 15.17.080 of the Seattle Municipal Code, last amended by Ordinance
10 121242, is amended as follows:

11 **15.17.080 Stadium and exhibition center event ~~((vending.))~~ authorized vending area**

12 A. The Director of Transportation may issue a Street Use permit ~~((to authorize))~~
13 authorizing the use of a public place for vending within the area bounded by the center line of
14 South Jackson Street, the center line of Fifth Avenue South, the center line of Airport Way
15 South, the center line of Sixth Avenue South, the center line of South Holgate Street, and the
16 center line of Alaskan Way South~~((, except that during events at Safeco Field,))~~ for the event
17 day, a 24-hour period starting the midnight before any event scheduled at the stadiums or
18 exhibition event center begins and ending the midnight after the event ends (see Map A of
19 15.17.080: Stadium Event Vending Area).



B.

1 Stadium and exhibition event center vending shall not be permitted on Occidental Avenue South
2 between Railroad ~~((Avenue))~~ Way South and South Jackson Street~~((, for the sale of))~~ or the area
3 depicted in Section 15.17.050. C. The Director of Transportation may issue a Street Use permit
4 authorizing the use of a public place for the vending of goods, ~~((wares, merchandise))~~ things,
5 services, food ~~((and))~~, or nonalcoholic beverages of any kind from a temporary display table,
6 tent ~~((or cart that is))~~, vending cart, or food vehicle stationed at ~~((a site approved by the Director~~
7 ~~for stadium and exhibition center events,))~~ an authorized site under the following ~~((terms and~~
8 ~~conditions))~~ requirements:

10 ~~((A.Vending of food and beverages must meet))~~1. The food vendor permittee
11 shall comply with all ~~((standards established by the))~~ Seattle-King County Department of Public
12 Health ~~((Department, and if propane or a combustible fuel is used, the requirements of the))~~ and
13 King County Board of Health code requirements, and Seattle Fire Department requirements if
14 propane or a combustible fuel is used;

16 ~~((B.Food and beverages sold must be))~~2. The food vendor permittee shall only
17 sell food and beverages that are capable of immediate consumption;

19 ~~((C.The display))~~3. Display tables, vending carts, food vehicles, tents, and all
20 other equipment ~~((must be removed from the public place after business hours))~~ shall only be
21 operated on stadium or exhibition event center event days, a 24-hour period starting the midnight
22 before any event scheduled at the stadiums or exhibition event center begins and ending the
23 midnight after the event ends;

1 4. All stadium and exhibition event center vending activity including vending
2 carts, food vehicles, tables, tents, customer queues, accessory units, or signage shall be contained
3 within the permitted site use area. If the abutting roadway is closed to vehicular traffic, customer
4 queues may be allowed to occupy the abutting roadway;

5 5. Stadium and exhibition event center vending sites shall not be located in
6 driveways, loading zones, or within ten feet of a business entrance unless the adjacent property
7 owner submits an affidavit stating that access is not needed during the permitted vending hours;

8 ~~((D. The vendor must provide public liability insurance naming the City as an additional~~
9 ~~insured in an amount determined by the Director of Transportation by rule;~~

10 ~~E. The vending site must be kept clean at all times. The vendor must supply a refuse~~
11 ~~container;))~~

12 ~~((F.No use of voice amplification devices is allowed))~~6. The permittee shall not
13 use amplification or noise-making devices and the permittee shall comply with Chapter 25.08,
14 Noise Control;

15 ~~((G.Electrical utility connections are permitted to the adjacent property, but no~~
16 ~~lines may be extended overhead or on the sidewalk provided the))~~7. The permittee shall not
17 locate electric lines overhead or on the ground surface where the public has access to the public
18 place;

19 ~~((H. The vendor must present to the City written approval for the vending by the~~
20 ~~adjoining property owner and/or tenant; if the tenant and property owner disagree, the property~~
21 ~~owner's decision controls;))~~

1 ~~((F))~~8. The ~~((vendor displays))~~ permittee shall obtain and maintain in effect all
2 required permits and business licenses and display the Stadium Event vending Street Use permit
3 at the vending site in a manner approved by the Director of Transportation; and

4 9. The permittee is responsible for ensuring that customer queues do not encroach
5 into the abutting roadway when the street is open for vehicular traffic.

6 C. All vending and merchandise display authorized under Sections 15.17.100, 15.17.120,
7 and 15.17.150 that is permitted in the public place on nonevent days in the stadium and
8 exhibition center event vending area must be removed for event days, the 24-hour period starting
9 the midnight before any event scheduled at the stadiums or exhibition event center begins and
10 ending the midnight after the event ends.

11 D. The permittee shall not leave any display tables, vending carts, food vehicles, tents, or
12 any other vending-related equipment unattended for longer than 30 minutes.

13 ~~((F))~~E. The ~~((vendor satisfies))~~ permittee shall satisfy all the conditions of ((its)) the
14 Stadium Event vending Street Use permit and ((such)) other ((criteria and)) requirements ((as))
15 the Director of Transportation may establish ((from time to time by rule in the public interest))
16 by rule.

17 Section 34. Section 15.17.100 of the Seattle Municipal Code, last amended by Ordinance
18 117569, is amended as follows:

19 **15.17.100 Food and flower vending ~~((by cart from a site.))~~ from a public place sidewalk or**
20 **plaza**

propane or a combustible fuel is used(~~((Vending may not occur in a single family or residential low-rise zone))~~);

((~~B.Food~~))2. The permittee shall only sell food and beverages ((sold must be)) that are capable of immediate consumption;

3. The permittee shall obtain and maintain in effect all required permits and business licenses and display the vending Street Use permit at the vending site in a manner approved by the Director of Transportation;

4. The permittee's vending cart or food vehicle shall not be located in the public place abutting a lot zoned RSL, SF, L1, L2, or L3 as these zoning designations are defined under subsection 23.30.010.A; and the abutting zoning does not have an RC designation as shown on the Official Land Use Map, Chapter 23.32;

5. The permittee's vending cart or food vehicle shall not be located in the curb space of the public place, unless authorized under 15.17.120;

((~~C.The cart for vending food and/or beverages may not be more than five feet (5') long, five feet (5') high, and three feet (3') wide; the authorizing official may also permit awnings;~~))6. As depicted in Exhibit A for 15.02.046: Pedestrian Zone/Pedestrian Visual

Corridor; a proposed vending cart, food vehicle, or attended newsstand, and all associated vending activity including customer queues, accessory units, or signage; shall not impair pedestrian passage and shall be sited to provide:

a. An unobstructed corner curb radius area; and

1 b. If located in the Downtown Urban Center as established in the
2 Comprehensive Plan, a pedestrian zone at least 6 feet wide with a 4-foot-wide pedestrian visual
3 corridor; or

4 c. If located outside of the Downtown Urban Center as established in the
5 Comprehensive Plan, a pedestrian zone at least 5 feet wide with a 3-foot-wide pedestrian visual
6 corridor; or

7 d. A wider pedestrian zone or pedestrian visual corridor may be required
8 by the Director of Transportation to provide for pedestrian passage, traffic management, or any
9 other public use purpose;

10 6. In addition to any other required setbacks, the vending cart, food vehicle, or
11 attended newsstand site shall be located at least:

12 a. 3 feet from the curb; and
13 b. 5 feet from alleys, driveways, bus zone areas, disabled person parking
14 zones, food vehicle zones, and commercial loading zones; and

15 c. 5 feet from curb ramps, parking meters or pay stations, traffic signs,
16 utility poles, fire hydrants, bike racks, and other street fixtures; and

17 d. 10 feet along the curb line from the point where the radius of corner
18 curb area intersects the curb line and from an extension of any business entrance to the curb line;
19 and

20 e. 50 feet from a food service business if the permittee is vending food or
21 nonalcoholic beverages and at least 50 feet from a floral business if the permittee is vending
22

1 flowers. A vending Street Use permit may, however, be issued to the owner of a food service
2 business for a site along the food service business's frontage provided, all other Chapter 15.17
3 vending requirements are satisfied; and

4 f. 200 feet from any public or private school containing a Kindergarten
5 through 12th-grade class; or

6 g. A larger setback distance may be required by the Director of
7 Transportation to provide for pedestrian passage, traffic management, or any other public use
8 purpose;

9
10 7. Vending sites shall not be located in driveways, loading zones, or within ten
11 feet of a business entrance unless the adjacent property owner submits an affidavit stating that
12 access is not needed during the permitted vending hours;

13
14 8. The proposed vending activity shall not violate the Americans with Disabilities
15 Act;

16 9. The permittee shall not use amplification or noise-making devices and the
17 permittee shall comply with Chapter 25.08, Noise Control;

18
19 10. The permittee shall not locate electrical lines overhead or on the ground
20 surface where the public has access to the public place; and

21 11. The permittee shall not leave a vending cart or food vehicle unattended in the
22 public place for longer than 30 minutes.

23 ~~((D. The cart must be capable of being pushed by one (1) person, with at least two (2)~~
24 ~~functional wheels and positive wheel locking devices;))~~

1 B. A maximum of two vending carts or food vehicles stationed at an authorized public
2 place sidewalk or plaza site per block face may be approved by the Director of Transportation.

3 C. The Director of Transportation may require additional information from the applicant
4 as provided for in Section 15.04.030.

5 D. The Director may, as deemed appropriate, condition the vending cart or food vehicle
6 Street Use permit to address the:

7 1. Design and placement of food vending equipment and umbrellas;
8 2. Hours of operation and dates of use;
9 3. Need for repairs or improvements to the public place in order to accommodate
10 the vending activity or to ensure access to the use complies with the Americans with Disabilities
11 Act;

12 4. Impacts associated with the vending activity from: lighting, noise, emissions to
13 the air, the placement of signage, or equipment such as generators;

14 5. Impacts to the abutting business displays and intake vents from the proposed
15 vending activity; and

16 6. Pedestrian circulation, traffic management, or any other public use purpose.

17 E. The permittee shall keep the vending cart wheels ((of the cart must be locked)) safely
18 secured while the ((vendor)) permittee is ((offering to conduct)) conducting business, and the
19 vending cart ((must)) or food vehicle shall be removed from the public place after authorized
20 business hours;

1 ~~((F. The vendor must provide public liability insurance naming the City as an additional~~
2 ~~insured in an amount determined by the authorizing official by rule;~~

3 ~~G. The vending site must be kept clean at all times. When vending involves a container~~
4 ~~or wrapper, the vendor must supply a refuse container;~~

5 ~~H. No mechanical audio or noise making devices or hawking is allowed;~~

6 ~~I. Electrical utility connections are permitted to the adjacent property, but no lines may be~~
7 ~~extended overhead or upon the sidewalk;~~

8 ~~J. The vendor must present to the City written approval for the vending by the adjoining~~
9 ~~property and/or tenant; if the tenant and property owner disagree, the property owner's decision~~
10 ~~controls;))~~

11 ~~((K))~~F. If the proposed vending ((occurs within two hundred feet (200')) will occur
12 within 50 feet of a park ((or public school, the vendor must present written consent of the
13 Superintendent of Parks and Recreation or the Seattle School District, respectively; if the
14 vending occurs within two hundred feet (200") of a private school, the vendor must present proof
15 of mailing or delivery of notice of the application to the school's administrator and an
16 opportunity for comment shall be allowed. No vending of flowers may occur within two hundred
17 feet (200') of an established florist without the written consent of the florist)) as defined in
18 Section 18.12.030, the Superintendent of the Parks Department may recommend to the Director
19 of Transportation whether the vending site should be approved or denied based on the following
20 considerations:

21 1. Public safety or access within the park;

1 2. Conflicts with existing businesses and concessionaires, permitted events, or
2 other special activities occurring in the park; or

3 3. The need to encourage park activation.

4 ~~((L. The vendor satisfies such other criteria and requirements as the authorizing official~~
5 ~~may establish from time to time by rule in the public interest.))~~

6 G. The applicant shall obtain any applicable vending cart, cart-associated installation, or
7 food vehicle administrative design review required by Titles 23 or 25 if the vending activity is
8 proposed to be located on a public place sidewalk or plaza in a Preservation, Special Review,
9 Landmark, or Historical District.

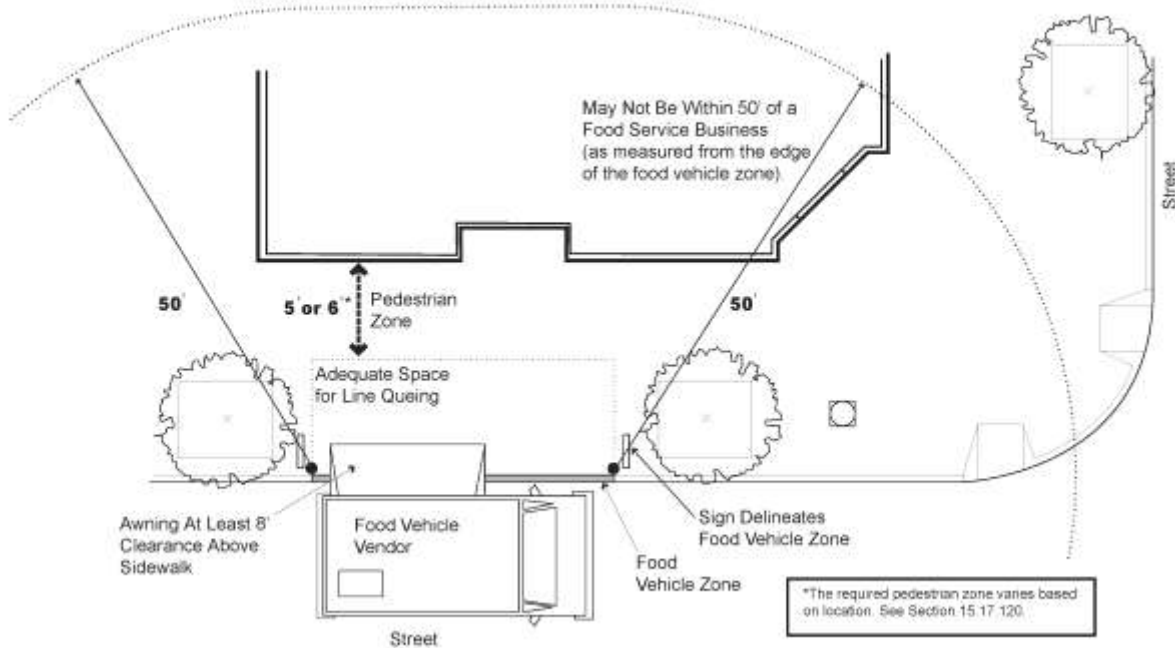
10 H. If an existing vending site conflicts with the setback requirements of subsection
11 15.17.100.A.6, the Director of Transportation shall not issue a new vending Street Use permit
12 when the existing Street Use permit expires.

13 Section 35. A new Section 15.17.120 of the Seattle Municipal Code is added as
14 follows:

15 **15.17.120 Food vending from a curb space**

16 A. The Director of Transportation may issue a Street Use permit authorizing use of a curb
17 space for vending food or nonalcoholic beverages from a food vehicle. Vending from the food
18 vehicle shall be subject to Title 11, Vehicles and Traffic under the following requirements, as
19 depicted in Exhibit A for 15.17.120: Food Vehicle Location:

Exhibit A for 15.17.120:
 Food Vehicle Location



1. Vending shall only occur from a curb space if the vending has been authorized by:
 - a. Food vehicle zone vending Street Use permit that allows vending if the curb space is delineated by a sign or other traffic control device as a food vehicle zone, or
 - b. Temporary curb space vending Street Use permit that allows vending from a curb space the Director of Transportation has approved for a vending activity that shall only occur in conjunction with an event located on private property abutting the curb space or an event occurring in the public place;

1 2. The permittee shall comply with all Seattle-King County Department of Public
2 Health requirements and Seattle Fire Department requirements if propane or a combustible fuel
3 is used;

4 3. The permittee shall only sell food and beverages that are capable of immediate
5 consumption;

6 4. The permittee shall obtain and maintain in effect all required permits and
7 business licenses and display the food vehicle zone or temporary curb space vending Street Use
8 permit at the vending site in a manner approved by the Director of Transportation;

9 5. As depicted in Exhibit A for 15.02.046: Pedestrian Zone/Pedestrian Visual
10 Corridor; a food vehicle and all associated vending activity including customer queues,
11 accessory units, or signage; shall not impair pedestrian passage and shall be sited to provide:
12

13 a. If located in the Downtown Urban Center as established in the
14 Comprehensive Plan, a pedestrian zone at least 6 feet wide with a 4-foot-wide pedestrian visual
15 corridor; or
16

17 b. If located outside of the Downtown Urban Center as established in the
18 Comprehensive Plan, a pedestrian zone at least 5 feet wide with a 3-foot-wide pedestrian visual
19 corridor; or
20

21 c. A wider pedestrian zone or pedestrian visual corridor may be required
22 by the Director of Transportation to provide for pedestrian passage, traffic management, or any
23 other public use purpose;
24

1 6. The proposed vending activity shall not violate the Americans with Disabilities
2 Act;

3 7. The permittee shall not use amplification or noise-making devices and the
4 permittee shall comply with Chapter 25.08, Noise Control;

5 8. The permittee shall not locate electrical lines overhead or on the ground surface
6 where the public has access to the public place; and
7

8 9. The vending shall only occur from the side of a food vehicle that is parked
9 abutting and parallel to the curb.

10 B. A maximum of one food vehicle zone curb space shall be designated by the Director
11 of Transportation per block face.
12

13 C. The Department of Transportation may designate a food vehicle zone subject to the
14 following requirements:

15 1. The proposed location is:

16 a. At least 50 feet from a food service business when vending food or
17 nonalcoholic beverages; and
18

19 b. Not located in the public place abutting a lot zoned RSL, SF, L1, L2, or
20 L3 as these zoning designations are defined under subsection 23.30.010.A; and the abutting
21 zoning does not have an RC designation as shown on the Official Land Use Map, Chapter 23.32;
22 and
23

24 c. 200 feet from any public or private school containing a Kindergarten
25 through 12th-grade class.
26
27
28

2. If an existing food vehicle zone conflicts with the setback requirements of subsection 15.17.120.C.1, the Director of Transportation shall not issue a new food vehicle zone vending Street Use permit when the existing Street Use permit expires.

D. The Director of Transportation may issue to a vendor, property owner, or public entity, a temporary curb space vending Street Use permit that: authorizes vending from a curb space that is not designated as a food vehicle zone, and is effective for no more than four days during a six-month period for the adjoining address. The temporary curb space vending Street Use permit may be issued under the following requirements:

1. The permittee shall reserve the curb space as required in Title 11, Vehicles and Traffic;

2. The permittee shall comply with the requirements in subsections 15.17.120.A;

3. The temporary curb space vending Street Use permit shall only be issued for an event located on private property abutting the curb space or an event located in the adjoining public place. If the event requires a Special Event as permitted and authorized under Chapter 15.52, Special Event permits, the Director of Transportation shall not issue a temporary curb space vending Street Use permit;

4. The proposed location shall be at least 200 feet from any public or private school containing a Kindergarten through 12th-grade class; and

5. If located in the public place abutting a lot zoned RSL, SF, L1, L2, or L3 as these zoning designations are defined under subsection 23.30.010.A; and the abutting zoning

1 does not have an RC designation as shown on the Official Land Use Map, Chapter 23.32; the
2 vending activity shall end by 10:00 p.m.

3 E. The Director of Transportation may require additional information from the applicant
4 as provided for in Section 15.04.030.

5 F. The Director may, as deemed appropriate, condition the food vehicle zone or
6 temporary curb space vending Street Use permit to address the:
7

- 8 1. Design and placement of food vending equipment and umbrellas;
- 9 2. Hours of operation and dates of use;
- 10 3. Need for repairs or improvements to the public place in order to accommodate
11 the vending activity or to ensure access to the use complies with the Americans with Disabilities
12 Act;
- 13 4. Impacts associated with the vending activity from: lighting, noise, emissions to
14 the air, the placement of signage, or equipment such as generators;
- 15 5. Impacts to the abutting business displays and intake vents from the proposed
16 vending activity; and
17
- 18 6. Pedestrian circulation, traffic management, or any other public use purpose.

19 G. If the proposed temporary curb space vending or food vehicle zone vending will
20 occur within 50 feet of a park, as defined in Section 18.12.030, the Superintendant of the Parks
21 Department may recommend to the Director of Transportation whether the vending site should
22 be approved or denied based on the following considerations:
23

- 24 1. Public safety or access within the park;

2. Conflicts with existing businesses and concessionaires, permitted events, or other special activities occurring in the park; or

3. The need to encourage park activation.

Section 36. A new Section 15.17.130 of the Seattle Municipal Code is added as follows:

15.17.130 Mobile food vending from a public place

A. The Director of Transportation may issue a mobile food vending Street Use permit authorizing mobile vending of food and beverages that are exempt from the food establishment permit requirement of Title 5 of the King County Board of Health as determined by the Director of the Seattle-King County Department of Public Health or authorized representative.

B. Mobile food vending may occur from a vending cart or food vehicle in the public place subject to the following requirements:

1. Mobile food vending from a food vehicle or vending cart shall be subject to Title 11, Vehicles and Traffic;

2. Mobile food vending permittees shall not stop the food vehicle or vending cart in a curb space or other public place for any longer than necessary to vend to waiting customers;

3. Mobile food vending permittees shall comply with all applicable requirements of Title 5 of the Code of the King County Board of Health;

4. Mobile food vending permittees shall obtain and maintain in effect all required permits and business licenses and display the mobile food vending Street Use permit on the vending cart or food vehicle in a manner approved by the Director of Transportation;

5. Mobile food vending permittees shall comply with Chapter 25.08, Noise Control;

6. Tables, carts, umbrellas or other vending-related installations shall not be erected in the public place in association with a mobile food vending activity; and

7. As depicted in Exhibit A for 15.02.046: Pedestrian Zone/Pedestrian Visual Corridor, a vending cart or food vehicle and all associated mobile food vending activity including customer queues shall not impair pedestrian passage and shall be sited to provide a pedestrian zone at least 5 feet wide with a 3-foot-wide pedestrian visual corridor.

C. In addition to the restrictions on vending in the public place identified in Section 15.17.005, mobile food vending is prohibited in the following areas:

1. Beginning at the waterfront on Elliott Bay in a direct line with West Prospect Street, then east to West Olympic Place; then east along West Olympic Place to First Avenue West; then north along First Avenue West to West Aloha Street; then east along West Aloha and Aloha Streets to Westlake Avenue North; then south along Westlake Avenue North and Westlake Avenue to Eighth Avenue; then south along Eighth Avenue to South Jackson Street; then west along South Jackson Street to Fifth Avenue South; then south along Fifth Avenue South to Airport Way South; then southeast along Airport Way South to Sixth Avenue South; then south along Sixth Avenue South to South Holgate Street; then west along South Holgate Street to Elliott Bay on the waterfront; then north along the waterfront to a point in direct line with West Prospect Street, the place of beginning, including both sides of the above-identified

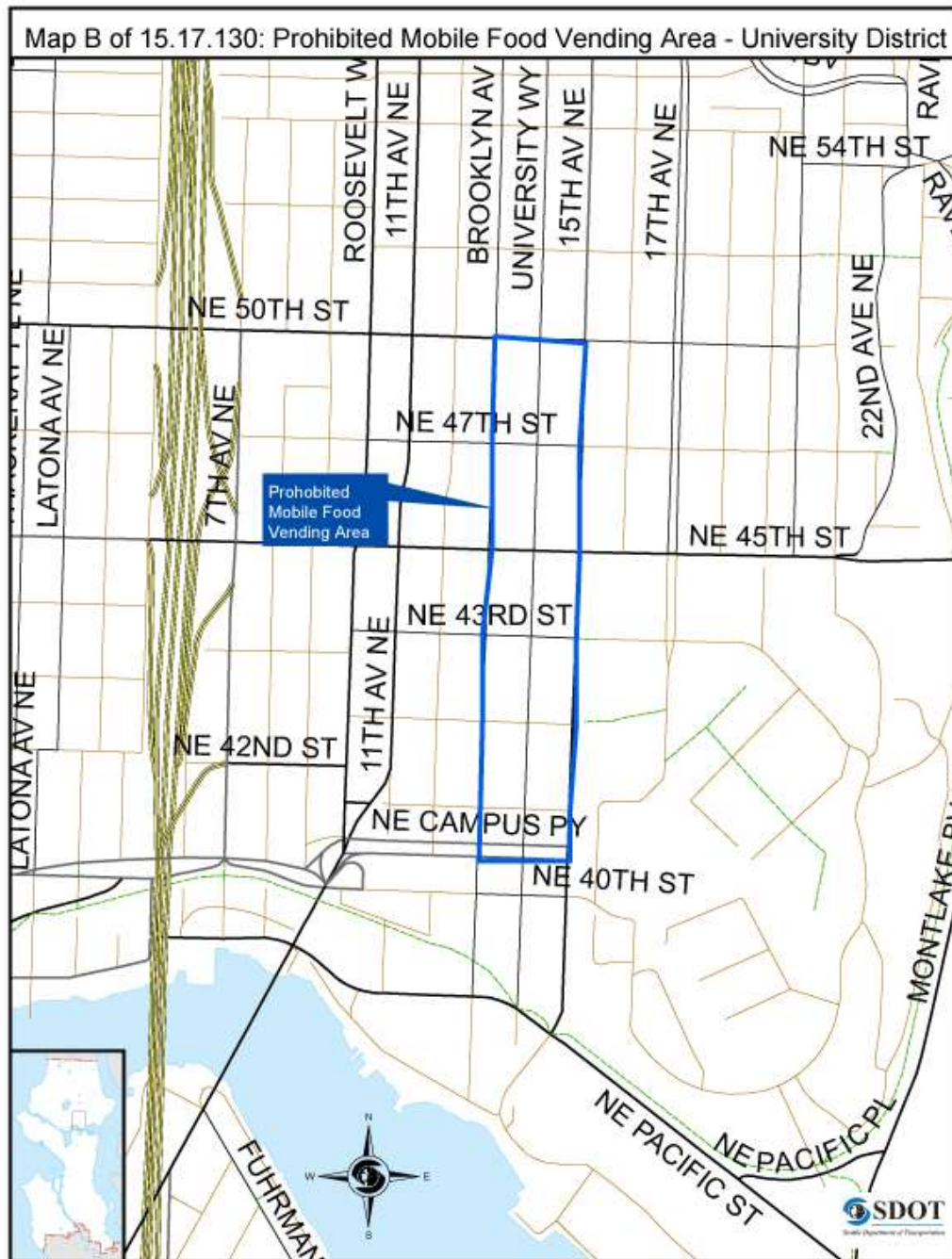
public places (see Map A of 15.17.130: Prohibited Mobile Food Vending Area-Greater
Downtown).

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2. Within 50 feet of any public park, as defined in Chapter 18.12; 1,000 feet of any public or private school containing a Kindergarten through 12th-grade class; and 50 feet of any food service business.

3. Beginning at the junction of 15th Avenue N.E. and N.E. 40th Street; then west on N.E. 40th Street to Brooklyn Avenue N.E.; then north on Brooklyn Avenue N.E. to N.E. 50th Street; then east on N.E. 50th Street to 15th Avenue N.E.; then south on 15th Avenue N.E. to N.E. 40th Street, the place of beginning, including both sides of the above-identified public places (see Map B of 15.17.130: Prohibited Mobile Food Vending Area-University District).



C. The Director of Transportation may require additional information from the applicant as provided for in Section 15.04.030.

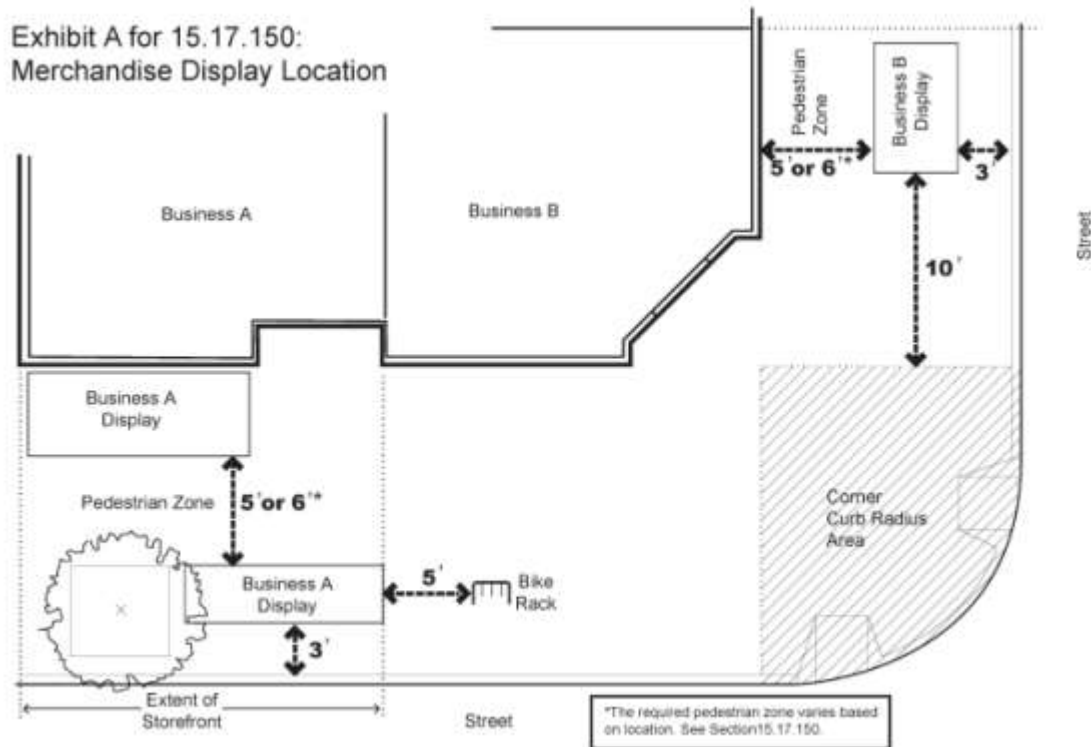
D. The Director may, as deemed appropriate, condition the mobile food vending Street Use permit to address the:

1. Hours of operation and dates of use;
2. Impacts associated with the vending activity from: lighting, noise, or emissions to the air; or
3. Pedestrian circulation, traffic management, or any other public use purpose.

Section 37. Section 15.17.150 of the Seattle Municipal Code, last amended by Ordinance 121388, is amended as follows:

15.17.150 ~~((Sidewalk displays.))~~ Merchandise display from a public place

A. The Director of Transportation may issue a merchandise display Street Use permit to ~~((the owner or manager of a business upon))~~ a retail sales business allowing the same goods or wares offered for sale by the business to be displayed on the adjoining ~~((property making sales at retail to the public in a zone other than single-family or low-rise multi-family zone to display on a public sidewalk goods or wares that are being offered for sale inside the business))~~ public place. ~~((Sidewalk))~~ Merchandise displays ~~((are))~~ shall be subject to ~~((rules of the Director of Transportation, the terms and conditions of the permit, and))~~ the following ~~((criteria))~~ requirements, as depicted in Exhibit A for 15.17.150: Merchandise Display Location:



~~((A.The))~~ 1. As depicted in Exhibit A for 15.02.046: Pedestrian Zone/Pedestrian Visual Corridor, the proposed merchandise display ~~((may not obstruct passage on the sidewalk nor the use of any crosswalk, wheelchair ramp, bus or taxi loading zone. The display must allow))~~ shall be sited to provide:

- a. An unobstructed corner curb radius area; and
- b. If located in the Downtown Urban Center as established in the Comprehensive Plan, a pedestrian zone at least ~~((six feet (6') of clearance for pedestrian passage to the nearest street trees; utility pole; traffic control signs, parking payment devices, or fire hydrants and may not be fastened to any of the foregoing))~~ 6 feet wide with a 4-foot-wide pedestrian visual corridor; or

1 c. If located outside of the Downtown Urban Center as established in the
2 Comprehensive Plan, a pedestrian zone at least 5 feet wide with a 3-foot-wide pedestrian visual
3 corridor; or

4 d. A wider pedestrian zone or pedestrian visual corridor may be required
5 by the Director of Transportation to provide for pedestrian passage, traffic management, or for
6 any other public use purpose;

7 2. In addition to any other required setbacks, the merchandise display site shall be
8 located at least:

9 a. 3 feet from the curb; and

10 b. 5 feet from alleys, driveways, bus zone areas, parking zones for
11 disabled persons, food vehicle zones, and commercial loading zones; and

12 c. 5 feet from curb ramps, parking meters or pay stations, traffic signs,
13 utility poles, fire hydrants, bike racks, and other street fixtures; and

14 d. 10 feet along the curb line from the point where the radius of corner
15 curb area intersects the curb line; or

16 e. A larger setback distance may be required by the Director of
17 Transportation to provide for pedestrian passage, traffic management, or for any other public use
18 purpose;

19 3. The merchandise display shall not be located in the public place abutting a lot
20 zoned RSL, SF, L1, L2, or L3 as these zoning designations are defined under subsection
21

23.30.010.A; and the abutting zoning does not have an RC designation as shown on the Official

Land Use Map, Chapter 23.32;

~~((B. The display must be flush against the building of the adjoining property, must leave entrances and driveways clear, and may not extend more than three feet (3') into the sidewalk;))~~

~~((C.))~~4. The display ~~((must))~~ shall be removed during those hours that the business is closed~~((. If the display is in place before sunrise or after sunset, the display must be lighted and readily visible to passing pedestrians on the sidewalk;))~~;

5. The proposed merchandise display activity shall not violate the Americans with Disabilities Act;

~~((D.))~~6. Sales of goods or merchandise displayed ~~((must))~~ shall occur on the adjoining privately owned property;

~~((E.))~~7. The display ~~((may))~~ shall not contain alcoholic beverages, tobacco, firearms or munitions, ~~((or))~~ any article ~~((which))~~ that a minor is prohibited by law from purchasing~~((; nor)), or~~ any material restricted by the Fire Code from direct access or handling by the public;

8. The applicant shall obtain any applicable merchandise display administrative design review required by Titles 23 or 25 if the merchandise display activity is proposed to be located on the public place in a Preservation, Special Review, Landmark, or Historical District.

9. The permittee shall not use amplification or noise-making devices and the permittee shall comply with Chapter 25.08, Noise Control; and

1 10. The permittee shall not locate electrical lines overhead or on the ground
2 surface where the public has access to the public place.

3 ~~((F. The display must be removed at any time that the Director of Transportation, the~~
4 ~~Chief of Police, or the Fire Chief determine that a clear sidewalk is needed for use of travel or~~
5 ~~transportation, street cleaning or maintenance, street utility work, a crowd control event or~~
6 ~~parade, or an emergency, and request removal;))~~

7
8 ~~((G))~~B. The City assumes no responsibility for the items on display ~~((, irrespective of))~~
9 whether the loss occurs through accident, collision, vandalism, theft, or otherwise~~((;))~~.

10 ~~((H. The applicant must provide public liability insurance naming the City as an insured~~
11 ~~on any additional insured in an amount determined by the authorizing official by rule; and~~

12
13 ~~I. The applicant shall provide the City an indemnity agreement and acknowledgment of~~
14 ~~the temporary nature of the permission granted comparable to that required of sidewalk cafes~~
15 ~~under Section 15.16.070.))~~

16 C. The Director of Transportation may require additional information from the applicant
17 as provided for in Section 15.04.030.

18
19 D. The Director may, as deemed appropriate, condition the merchandise display Street
20 Use permit to address the:

21 1. Design and placement of merchandise display equipment and umbrellas;

22 2. Hours of operation and dates of use;
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1 3. Need for repairs or improvements to the public place in order to accommodate
2 the vending activity or to ensure access to the use complies with the Americans with Disabilities
3 Act;

4 4. Impacts associated with the merchandise display activity from: lighting, noise,
5 emissions to the air, the placement of signage, or equipment such as generators;

6 5. Impacts to the abutting business displays and intake vents from the proposed
7 merchandise display activity; and

8 6. Pedestrian circulation, traffic management, or any other public use purpose.

9
10 Section 38. A new Section 15.17.152 of the Seattle Municipal Code is added as follows:

11 **15.17.152 Maintaining public place conditions**

12 A. The permittee shall maintain the vending site, merchandise display, and adjoining and
13 abutting public place free of all refuse of any kind generated from the operation of their
14 businesses. If food is served, the permittee shall supply a refuse container for public use that is
15 capable of accommodating all refuse generated by the vending activity and that shall be
16 maintained and emptied regularly.

17
18 B. All materials and supplies used by the permittee shall be contained in the vending cart,
19 food vehicle, attended newsstand, or merchandise display; and the permittee shall not store
20 supplies or other materials in the public place.

21
22 C. The surface of the public place shall not be altered and permanent fixtures of any kind
23 shall not be installed in the public place unless authorized by a Street Use permit.

1 D. A vending cart, food vehicle, or merchandise display shall not be secured to any
2 public amenity unless authorized by a Street Use permit. A vending cart or food vehicle shall not
3 be unattended in the public place for longer than 30 minutes.

4 E. The permittee shall temporarily clear the public place as the Director of Transportation
5 deems necessary to temporarily accommodate access to abutting properties or utilities.

6 F. The permittee is responsible for ensuring that customer queues, displays, or vending
7 activity do not encroach into the roadway; or cause pedestrians to divert from the abutting
8 pedestrian zone.

9 G. The permittee shall not conduct business in such a way as to: restrict or interfere with
10 the ingress or egress of the abutting property owner or tenant; create or become a nuisance or
11 hazard to public health, safety, or welfare; increase traffic congestion or delay; or constitute an
12 obstruction to adequate access to fire, police, or sanitation vehicles.

13 H. The permittee shall immediately remove the vending activity or merchandise display
14 when ordered by the Director of Transportation, the Chief of Police, the Fire Chief, or other City
15 official.

16 Section 39. Section 15.17.200 of the Seattle Municipal Code, last amended by Ordinance
17 118409, is amended as follows:

18 **15.17.200 ((~~Street fairs and vending~~)) Vending by nonprofit organizations((;))**

19 The Director of Transportation, the Superintendent of the Parks Department, and the
20 Director of the Seattle Center are authorized to adopt rules relating to the time, place, and
21 manner in which a nonprofit organization may vend merchandise in which the organization's

1 political, religious, sociological, or ideological message is inextricably intertwined ~~((when))~~ if
2 the sale exercises the permittee's rights guaranteed by the United States or the Washington
3 Constitution. ~~((Such))~~ These rules may address the issuance and duration of permits, the size and
4 placement of tables and other equipment used, their siting and location on the ~~((sidewalks))~~
5 public place or public property, the type of merchandise offered for sale, advertising and posting
6 of prices, the display of licenses, the exclusion of ineligible merchandise, the documentation to
7 accompany applications for registration, and the prohibitions against discrimination, among
8 other subjects.

10 An authorizing official may authorize vending in a public place as part of a street fair,
11 carnival, athletic activity, or other public event authorized by and in accordance with a permit
12 issued by the Special Events Committee under Chapter 15.52.

14 Section 40. A new Section 15.17.250 of the Seattle Municipal Code is added as follows:

15 **15.17.250 Director's rules**

16 The Director of Transportation may promulgate rules to implement this Chapter 15.17.
17 The rules may address the subjects identified in this Chapter 15.17 and other subjects the
18 Director believes may aid in the implementation of this Chapter 15.17.

20 Section 41. Section 15.91.010 of the Seattle Municipal Code, last amended by Ordinance
21 120822, is amended as follows:

23 **15.91.010 Mitigation hearings~~((;))~~**

24 A. Date and Notice. If a person requests a mitigation hearing, the mitigation hearing shall
25 be held within ~~((thirty (30)))~~ 30 days after written response to the citation requesting ~~((such))~~ a
26

1 hearing is received by the Hearing Examiner. Notice of the time, place, and date of the hearing
2 ~~((will))~~ shall be sent by first class mail to the address provided in the request for hearing not less
3 than ten ~~((10))~~ days ~~((prior to))~~ before the date of the hearing.

4 B. Procedure at Hearing. The Hearing Examiner shall hold an informal hearing ~~((which))~~
5 that shall not be governed by the Rules of Evidence. The person cited may present witnesses, but
6 witnesses may not be compelled to attend. A representative from the Department of
7 Transportation may also be present and may present additional information, but attendance by a
8 representative from the Department of Transportation is not required.

10 C. Disposition. The Hearing Examiner shall determine whether the person's explanation
11 justifies reduction of the monetary penalty. Factors that may be considered in whether to reduce
12 the penalty include whether the violation was caused by the act, neglect, or abuse of another. The
13 Hearing Examiner may also consider whether the respondent has previously violated subsection
14 15.91.002.A.6 and whether, before the mitigation hearing, the respondent submitted a Street Use
15 permit application that the Director of Transportation determined was complete.

17 D. Entry of Order. After hearing the explanation of the person cited and any other
18 information presented at the hearing, the Hearing Examiner shall enter an order finding that the
19 person cited committed the violation and assessing a monetary penalty in an amount determined
20 pursuant to ~~((this section))~~ Section 15.91.016. The Hearing Examiner's decision is the final
21 decision of the City on the matter.

23 Section 42. Section 15.91.016 of the Seattle Municipal Code, last amended by Ordinance
24 123100, is amended as follows:
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15.91.016 Penalties((:))

A. First Violation. The first time a person or entity is found to have violated ((Section)) subsection 15.91.002.A.1 by not obtaining a Street Use permit ((prior to beginning work)) before using or occupying the public place, the person or entity shall be subject to a penalty of ((five hundred dollars (\$500))) \$500. The first time that a person or entity is found to have violated ((Sections)) subsections 15.91.002.A.2 through 15.91.002.A.23, excluding subsection 15.91.002.A.6, the person or entity shall be subject to a penalty of ((two hundred fifty dollars (\$250))) \$250. The Director may, in an exercise of discretion, issue a warning to the person or entity responsible for obtaining the Street Use permit if the person or individual has not been previously warned or cited for violating ((Section)) subsection 15.91.002.A.1. The first time that a person or entity is found to have violated subsection 15.91.002.A.6 after receiving a written warning for violating subsection 15.91.002.A.6 in the previous five years, the person or entity shall be subject to a penalty of \$1,000.

B. Second and Subsequent Violations. If a person or entity is cited for violating ((Section)) subsection 15.91.002.A.1 within a ((5-year)) five-year period after a first violation has been determined to exist, the person or entity shall be subject to a penalty of ((one thousand dollars (\$1000))) \$1,000 for each violation. Any subsequent time that a person or entity is found to have violated the provisions in ((Sections)) subsections 15.91.002.A.2 through 15.91.002.A.23, excluding subsection 15.91.002.A.6, within a ((5-year)) five-year period after a first violation of subsections 15.91.002.A.2 through 15.91.002.A.23 has been determined to exist, the person or entity shall be subject to a penalty of ((five hundred dollars (\$500))) \$500 for

each subsequent violation. If a person or entity is cited for violating subsection 15.91.002.A.6 within a five-year period after a first violation of subsection 15.91.002.A.6 has been determined to exist, the person or entity shall be subject to a penalty of \$2,000 for each violation.

C. Deposit of funds. Any funds received by the Hearing Examiner or collection agency for violations associated with Section 15.91.002 shall be deposited into the Transportation Operating Fund. Funds from violations of subsection 15.91.002.A.6 may be used by other City departments for vending enforcement as authorized by the Director of Transportation and shall be used by the Department of Transportation for the following purposes: administering the vending program, including notifying property owners abutting a proposed vending site designated by the Department of Transportation; verifying property boundaries and square footage of usage; designating pre-approved vending sites by the Department of Transportation; signing and demarcating designated vending sites and food vehicle zones; attending meetings or hearings; preparing documents, legislation, forms, and notices; inspecting and enforcing permitted or illegal vending activity; or engaging in any other vending-related activity as directed by the Director of Transportation.

Section 43. SDOT Street Use Permits. SDOT's Fee Schedule, Attachment A to Ordinance No. 123477, as amended by Ordinances 123485 and XXXXXX, is further amended as follows:

Attachment A: Street Use Permit Fee Schedule

* * *

Activities that occur over more than one year				
Use Code	Use Description	Base Permit Fee	Occupation Fee (Long Term)	Use Fee (Short Term)

((14A))	((Vending carts))	\$146 (first year) \$140 (subsequent years)	None	N/A
((14B))	((Tables and chairs [max 4]))			
16A	Inactive areaways prior to January 1, 1995			
17	Sidewalk elevator doors			
18C	Tables and chairs [max 4]			
19A	Vending activity in an attended newsstand			

* * *

Occupation of Right-of-Way street				
Use Code	Use Description	Base Permit Fee	Occupation Fee (Long Term)	Use Fee (Short Term)

((18))18B	Sidewalk cafes	\$146 (first year) \$140 (subsequent years)	\$1.56/sf/yr	N/A
18A	merchandise on sidewalks			
22B	Shoring unremoved (must be removed to a point 4 ft below finished grade)	\$146	\$1011/pile	

27	Awnings, marquees and canopies [plus 27A if stanchions]		\$.51/sf	
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* * *

Per ordinance or council action				
Use Code	Use Description	Base Permit Fee	Occupation Fee (Long Term)	Use Fee (Short Term)

((14C))	((1 st Amendment vending))	(((\$40))	(((\$35/mo))	((None))
((14D))	((Stadium vending [April-September]))	((None))	(((\$121.50/mo))	
((14E))	((Stadium vending [October-March]))	((None))	(((\$18/mo))	
16B	Areaways built after January 1, 1995	Fees based upon appraisal		

<u>Use Code</u>	<u>Use Description</u>	<u>Base Permit Fee</u>	<u>Parking/ Occupation Fee (Long Term)</u>	<u>Use Fee (Short Term)</u>	<u>Program Administration Fee</u>
<u>19B</u>	<u>1st Amendment vending</u>	<u>\$40/yr</u>	<u>\$35/mo</u>	<u>None</u>	<u>None</u>
<u>19C</u>	<u>Stadium Event vending [April-September]</u>	<u>\$146</u>	<u>\$170/mo</u>		
<u>19D</u>	<u>Stadium Event vending [October-March]</u>		<u>\$110/mo</u>		
<u>19E</u>	<u>Vending from a public place sidewalk or plaza DAY 6am-8pm</u>		<u>\$1.56/SF</u>		<u>\$344</u>
<u>19F</u>	<u>Vending from a public place sidewalk or plaza NIGHT 8pm-6am</u>				<u>\$688</u>
<u>19G</u>	<u>Food vehicle zone vending (DAY 6am-8pm)</u>		<u>\$177 (each 4- HR period x each day of the wk)</u>		<u>\$344</u>
<u>19H</u>	<u>Food vehicle zone vending (NIGHT 8pm-6am)</u>				<u>\$688</u>
<u>19I</u>	<u>Temporary curb space vending</u>		<u>N/A</u>		<u>None</u>
<u>19J</u>	<u>Mobile food vending</u>				

* * *

Other Fees and Charges	
Hourly Charge for Street Use service including but not limited to: Review, investigation, inspection, drafting, design guidance, document preparation and other activities related to the administration of the permit	\$172
Premium hourly rate (e.g. Overtime Inspections)	\$344
Penalty Fee (No Job Start Call)	\$300
A Deposit may be required	Amount determined based on services requested

The Department of Transportation is directed to use the vending Street Use permit fees credited to the Transportation Operating Fund for the following purposes: administering the vending program, including notifying property owners abutting a proposed vending site designated by the Department of Transportation; verifying property boundaries and square footage of usage; designating pre-approved vending sites by the Department of Transportation; signing and demarcating designated vending sites and food vehicle zones; attending meetings or hearings; preparing documents, legislation, forms, and notices; inspecting and enforcing permitted or illegal vending activity; or engaging in any other vending-related activity as directed by the Director of Transportation.

* * *

1 Section 44. Section 10.03.110 and Chapter 10.10 of the Seattle Municipal Code, which
2 section and chapter were last amended by Ordinance 117000 and 117001, respectively, and
3 which is shown in Attachment A, are repealed.

4 Section 45. This ordinance shall take effect and be in force 30 days from and after its
5 approval by the Mayor, but if not approved and returned by the Mayor within ten days after
6 presentation, it shall take effect as provided by Seattle Municipal Code Section 1.04.020.
7

1 Passed by the City Council the ____ day of _____, 2011, and signed by
2 me in open session in authentication of its passage this
3 ____ day of _____, 2011.

4
5
6 President _____ of the City Council

7
8 Approved by me this ____ day of _____, 2011.

9
10
11 Michael McGinn, Mayor

12
13 Filed by me this ____ day of _____, 2011.

14
15
16 City Clerk

17 (Seal)

18
19
20 Attachment A: Section 10.03.110 and Chapter 10.10 of the Seattle Municipal Code